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# Appeal Decision

Site visit made on 19 June 2023

**by N Praine BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2023**

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**Appeal Ref: APP/R0335/W/22/3312552**

**80 Chisbury Close, Bracknell, Berks RG12 0SF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by David Barr against the decision of Bracknell Forest Borough Council.
  - The application Ref 21/00830/FUL, dated 19 August 2021, was refused by notice dated 29 September 2022.
  - The development proposed is described as repositioning boundary fence to incorporate part of amenity land into garden area.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development appears to be retrospective, however, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will therefore refer to the 'proposed development' throughout my decision, regardless of what has been undertaken on site or any suggested compromise.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site sits at a prominent corner location. As one enters Chisbury Close from Savernake Way the undeveloped green edges of the surrounding area are readily apparent. These make a valuable contribution toward the open and green character of the area.
5. I appreciate the proposed development would enclose a modest piece of land, however, the proposed development introduces a hard structural edge close to the pavement with limited opportunities for landscaping. The height of this proposed fence in combination with its proximity to the pavement would considerably erode a valuable green strip of land which sits in a visually prominent location.
6. My attention is drawn to examples at other neighbouring properties in particular numbers 2, 18, 76, 85 and 93 Chisbury Close. During my site visit I looked at each of these properties.

7. These examples are either set back from the pavement with generous open green edges retained, do not have a tall fence close to the highway or do not sit in a prominent corner location when viewed from public vantage points.
8. On this basis, I do not find these examples to be directly comparable to the appeal proposal and accordingly they do not have the same impact on the character and appearance of the area. This therefore does not alter my overall findings.
9. I have not been provided with a definition of openness within the development plan or otherwise. Taking its literal meaning, I consider openness to be a matter of planning judgment. For example, a solid fence has a different impact upon openness than hedges or trees. I have determined the appeal on this basis using planning judgment.
10. The evidence before me suggests the appeal site falls outside 80 Chisbury Close's residential curtilage, however, the appellant has freehold title over it. As such, despite its intended function as public amenity land responsibility for its maintenance falls on the appellant and I acknowledge that the appellant wishes to erect a secure means of enclosure following some antisocial behaviour.
11. While this is a material consideration, it has not been robustly shown that the proposed development would be the only or least visually intrusive method of preventing such behaviour. Accordingly, this does not alter my overall findings in respect to the main issue.
12. The proposed development would therefore unacceptably harm the green and open pattern of development in the locality failing to maintain or enhance the character and appearance of the area.
13. As such, the proposed development would unacceptably conflict with the relevant provisions of Policies H12 and EN20 of the Bracknell Forest Borough Local Plan 2002, Policy CS7 of the Core Strategy Development Plan Document 2008 and the National Planning Policy Framework. These, amongst other things, seeks to promote high quality design which responds to local distinctiveness.

### **Other Matters**

14. While neighbours do not appear to have objected to the proposed development, I am required to consider the proposed development on its planning merits. The level of local objection or lack thereof does not therefore alter my findings above.

### **Conclusion**

15. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*N Praine*

INSPECTOR