
Appeal Decision

Site visit made on 5 June 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st August 2023

Appeal Ref: APP/C3105/W/23/3314046

18 Fairford Way, Bicester OX26 4YG

- 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 Mrs Claire Middleton against the decision of Cherwell District Council.
 - The application Ref 22/02133/F, dated 18 July 2022, was refused by notice dated 13 October 2022.
 - The development proposed is the replacement of a conifer hedge with 3 fence panels with concrete posts.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already been undertaken and I had the benefit of seeing it at my site visit.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal relates to the frontage area of this semi-detached 2 storey house. Apart from the appeal site, the houses within the area that I saw all have open frontages with no enclosing boundary feature such as a fence or wall and some have plants. Where properties have their rear garden boundaries adjacent to the roads, the privacy of the occupiers is protected by brick walls which are generally set behind open amenity land and/or planting.
5. On the opposite side of the road to the appeal site is a wide green area containing trees and other plants, behind which are more residential properties. The open frontages and the planted areas contribute positively and significantly to the character of the area. The result is that the area has an open and leafy character where openness and soft landscaping is a striking and positive feature. This is an obvious and planned feature of the area and arises from the original planning permission for the area (Ref 78/00341/S) for the erection of 87 two storey dwelling houses and contains condition 5 which removed the

- permitted development rights for the erection of gates, fences, walls or other means of enclosure to the front of dwellings.
6. The appellant has erected a fence which is indicated to be 1.88m in height across more than half of the frontage of the property. This is said to have replaced a substantial conifer hedge. Compared to the strong and prevailing open character of the frontages within the area, I consider that the fence appears significantly out of place and is contrary to the character that I have identified. Rather than appearing as a green and natural feature, as a hedge may have done, it appears harsh and presents a hard edge to the frontage. I have noted that it runs adjacent to the fence at No 19 but it is acknowledged that this is also unauthorised and the subject of an appeal.
 7. The appellant states that the previous hedge was in a poor state and attracted litter and dog fouling. I can appreciate that this must have been unacceptable for the appellant. However, I note that other similar areas within the locality do not appear to suffer from this and I do not accept that the erection of the fence is the only means of resolving this, particularly within an area where open frontages are such a significant and positive feature. Therefore, the appellant's concerns in this respect do not outweigh the negative effects that the fence has on the area.
 8. As a result of my consideration of the appeal, the development is contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2011-2031) and Saved Policy C28 of the Cherwell Local Plan 1996. I find that there are no matters which are sufficient to outweigh that conflict, consequently, the appeal is dismissed.

T Wood

INSPECTOR