



Appeal Decision

Site visit made on 3 July 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/J3720/W/23/3316624

2 West Green Drive, Stratford-upon-Avon, Warwickshire CV37 9HU

- 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 Ms Kelly O'Brien against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02680/FUL, dated 7 September 2022, was refused by notice dated 22 November 2022.
 - The development proposed is the change of use from amenity land to garden land and the erection of a close boarded fence.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The proposal includes the enlargement of the garden area by fencing off an area of amenity land. The description of the proposed development on the application form omits the change of use of the amenity land. I have therefore used the description of development as found on the decision notice and the appeal form, which more accurately describes the proposal.
4. The original drawings considered by the Council included a 2m high fence set in 500mm from the pavement. On my site visit I noticed a fence 2m high set slightly further away from the pavement. A large portion of the fence had a hedge between it and the pavement. The appellant has provided amended drawings showing the fence and hedge in what appears to be the position I saw, although I note a discrepancy on the amended drawings with the site plan annotated to say the fence is 2m high whereas the elevations show the fence as being 1.65m high. Notwithstanding this, an appeal should not be used to amend or evolve a scheme and it is therefore right for me to use the original drawings for this appeal and thus those upon which interested parties' views were sought.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.
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Reasons for the Recommendation

6. West Green Drive is a suburban residential street. The appeal site comprises a semi-detached dwelling on a prominent corner plot on the junction of West Green Drive with East Green Drive. The properties in the immediate area are set back from the street with front gardens and driveways. Most of the front boundaries have low walls or fences, hedges of varying heights, or in some cases they have no front boundary treatment. Overall, the character and appearance of the street scene is open, green and pleasant.
7. Fences are not an uncommon feature locally, however Part D4 of the Stratford-on-Avon District Council Development Requirements SPD (December 2018) (SPD) states that close board timber fencing should not be used for side boundaries which are visible from the public realm as they are visually unattractive and undermine its quality. In this case the height and extent of the fence would fail to retain the quality of the open appearance and thus pleasant character of the street and, as a result, it would be an obtrusive feature. This effect would be exacerbated by the fence's prominent position.
8. It is not clear if the fence at 53 Hathaway Green benefits from a planning permission. Furthermore, I am not persuaded that the context surrounding it, for example what the fence replaced and therefore how much effect did it have on the openness of the street scene, is comparable to this appeal.
9. Whilst hedges may reduce open character to a degree, they provide a soft landscaped edge and a sense of greenery which contributes positively to the appearance of the area. By contrast, the proposal would introduce a hard edge, directly adjacent to the pavement which would create a harsh and comparatively sterile environment. Hedges can also be cut to a lower height or removed completely at any time.
10. For these reasons, the proposed fence would cause significant harm to the character and appearance of the area. As such it would conflict with Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy 2011-2031, Policy BE2 of the Stratford-upon-Avon Neighbourhood Development Plan (September 2018), and Part D of the SPD which all require, in various ways, for all development to be of high-quality design which reflects the character of the area.

Other Matters

11. There is no compelling reason why security could not be resolved by other means or indeed other forms of boundary treatment, including landscaping, which would not have such a harmful impact. Even if the fence was to be built as per the amended drawings and notwithstanding the retention of the existing hedge, which could be cut down or removed at any time, I am not convinced that the very limited difference in overall height and set back from the pavement would sufficiently mitigate the harm it would cause to the openness and character of the street scene that has been identified above.

Conclusion

12. There are no material considerations before me worthy of sufficient weight which would indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

John Morrison

INSPECTOR