



Appeal Decision

Site visit made on 17 July 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref: APP/Y3425/D/23/3320112

19 Winton Vale, STAFFORD, ST18 0YT

- 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 Lucy Hegarty against the decision of Stafford Borough Council.
 - The application Ref 22/35873/HOU, dated 13 April 2022, was refused by notice dated 15 March 2023.
 - The development proposed is the erection of a 2 metre high fence.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs L Hegarty against Stafford Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of the development on the application form includes a considerable amount of detail, much of which has the nature of a supporting statement. I have used the simpler description from the decision notice.

Main Issue

4. The main issue in this case is the effect of the fence on the character and appearance of the area around Winton Vale and Bayswater Square.

Reasons

5. The appeal property is a detached house situated on a corner plot within a modern residential estate which has a generally open-plan character and appearance. It is located at the end of Winton Vale, which is a cul-de-sac, at a point where it meets a major pedestrian route through the estate linking Tixall Road with Bayswater Square and beyond. The proposed fence is already in place and encloses an area of land at the side of the house. It appears to be generally around 1.8 high, with wooden panels set in concrete posts and rises a little from west to east due to gently sloping topography. There is a row of small shrubs around the base of the fence.
6. Policy N1 of The Plan for Stafford Borough (The Plan) indicates that development should include high design standards that takes into account the local character and context.

7. The Council contends that the proposal would be a dominant and incongruous feature, out of keeping with the wider residential estate and, as such, would negatively impact the character and appearance of the locality. It does not consider, in this case, that concerns of the appellant relating to issues of privacy and security outweigh the issue of harm to character and appearance.
8. The appellant contends that a proposed landscaping scheme in the vicinity of the appeal property has failed and that a suitable boundary to the dwelling is needed for privacy and security reasons. In addition, the rear garden area to the dwelling is considered inadequate for a family. The appellant also notes the existence of other fences in and around the estate and contends that the appeal proposal is not, therefore, out of character with the rest of the estate. Moreover, the fence could be screened by hedge-type planting around it.
9. The residential estate that includes Winton Vale comprises mainly detached and semi-detached, brick-built houses with some apartments and short terraces around Bayswater Square. A footpath runs through the estate from north-east to south-west, terminating close to the appeal property. From Bayswater Square to Winton Vale, the footpath is sited between shared open-access driveways and is bounded for much of its length by beech hedges up to around 1.2 metres high in general. The areas to the front/side of houses are largely grassed with small box hedges and shrubs with an open-plan appearance.
10. Corner plots in general around the estate have small private and secure rear gardens enclosed by brick walls to match the brickwork of the house, as is the case with the rear garden of the appeal property. The fence at the side of the house appears discordant and incongruous in the context of its surroundings in this part of the estate, particularly given its prominent position on a corner plot at the southern end of the footpath. It is harmful to the generally open-plan nature of the front/side elements of the plots within the estate as a whole.
11. I note the appellant's concerns regarding privacy and security, but I am not satisfied that the use of a fence/boundary of uncharacteristic materials and scale is the only solution to this. Similarly, I note the existence of a small number of fences within the estate, but these appear to be mainly very minor in scale, set back from the road, and of limited visibility. Larger examples referred to by the appellant on Alcester Row would appear to be enclosing the private rear gardens of the properties and I do not consider their design to be in keeping with the character of the estate in general or to constitute a precedent that should be followed elsewhere.
12. I have little information regarding earlier planting in the vicinity of the appeal property, as referred to by the appellant. I acknowledge that the appellant intends to allow existing planting to grow to screen the fence, but I have no evidence before me that the existing planting is, in fact, on land owned by the appellant or that the shrubs used will create an appropriate screening effect.
13. In conclusion, I find that the fence is harmful to the character and appearance to the area around Winton Vale and Bayswater Square, and on this basis it conflicts with Policy N1 of The Plan. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR