
Appeal Decision

Site visit made on 27 July 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/D0121/D/23/3321804

29 Uphill Road North, Weston-Super-Mare, Somerset BS23 4NG

- 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 Rachel Wiltshire against the decision of North Somerset Council.
 - The application Ref 23/P/0082/FUH, dated 10 January 2023, was refused by notice dated 4 April 2023.
 - The development proposed is a retrospective application for the erection of a 2m wooden fence to replace a dead hedge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner above from the Council's decision notice as it is more concise than that on the application form.

Main Issue

3. The main issue is the effect on the character and appearance of the site and area, including the Great Weston Conservation Area (GWCA).

Reasons

4. The appeal site is located in the GWCA. Taken together, Policies CS5 and CS12 of the North Somerset Council Core Strategy (2017) (NSCS), Policies DM3 and DM32 of the North Somerset Council Development Management Policies, Sites and Policies Plan Part 1 (2016) (NSDMP) and the North Somerset Council Residential Design Guide (Section 2: Appearance and Character of house extensions and alterations) (2014) (NSRDG), require well-designed development which contributes to sense of place and local distinctiveness. Proposals should preserve or enhance the historic character or appearance of the GWCA.
5. The National Planning Policy Framework paragraphs 195-196 state that, when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm should require clear and convincing justification. Where a proposal would lead to less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6. This part of Uphill Road North is characterised by properties with generous setbacks from the highway and stone front boundary walls with vegetation to the rear. Whilst there are a small number of examples of wooden fences in the wider area, the residential properties in this part of the Conservation Area largely retain their attractive unimpaired stone boundary walls.
7. The installation of the wooden fence is at odds with the boundary treatments of neighbouring dwellings. The overall combined height of the wall and fence is similar to the cumulative height of the nearby front walls and hedge / vegetation. However, the wood atop the stone wall has a stark appearance which is unacceptably intrusive within the streetscene. As such, this is an incongruous feature which unduly harms the character and appearance of the appeal site and the GWCA.
8. I note that a substantial length of wooden fence runs along the highway immediately opposite the appeal site. However, that fence is lower than the appeal fence and a substantial boundary of trees and vegetation to the rear softens its appearance. Also, the other side of Uphill Road North borders a golf course so is different in character to the residential area within which the appeal fence sits. Therefore, that fence sits more comfortably within the streetscene than the appeal fence.
9. Taking all of this into consideration, the appeal proposal would unacceptably harm the character and appearance of the appeal site and the GWCA. This harm would be 'less than substantial'. However, the limited benefits associated with the fence, as set out below, would not outweigh the harm in this case. The proposal would therefore conflict with the Framework, Policies CS5 and CS12 of the NSCS, Policies DM3 and DM32 of NSDMP and the NSRDG.

Other Matters

10. I note the appellant's concerns regarding loss of privacy through people looking directly into her property. There is a bus stop located directly to the front of the appellant's home and inevitably, at times, buses pull in and also people wait here. I recognise that the fence improves the privacy to the appellant's home. However, given the distance between the front elevation of the appeal property and the public highway, the level of overlooking is unlikely to be significant.
11. The original hedge was removed as it was dying. I acknowledge the appellant's intention to plant a new hedge and that the fence would be removed once the hedge has established. However, this would not outweigh the interim harm.
12. I give these matters limited weight in favour of the proposal.

Conclusion

13. For the reasons given above, I conclude the proposal would conflict with the development plan, the NPPF and Conservation Area legislation and there are no material considerations that would indicate the appeal should be allowed. Therefore, for the reasons given, the appeal is dismissed.

Rebecca McAndrew

INSPECTOR

