



Appeal Decision

Site visit made on 8 August 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Appeal Ref: APP/D0121/D/23/3325534

72 Walton Road, Clevedon, North Somerset BS21 6AN

- 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 Miss Jennie Hammond against the decision of North Somerset Council.
- The application Ref 23/P/0449/FUH, dated 26 February 2023, was refused by notice dated 17 May 2023.
- The development is a wooden fence and gate on the eastern boundary of the property.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of proposed development in the banner heading above is taken from the first sentence of the description of proposed development on the application form. The description on the form also included justification for the proposal, which I have taken into account when determining this appeal. However, it has not been included in the banner heading above as it is not a description of the development.
3. I noted on my site visit that the fence and gate have been erected. I have therefore determined the appeal on the basis that the development has already occurred. However, I have judged the appeal on the submitted plans before me rather than what has been erected on site.

Main Issue

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

Reasons

5. 72 Walton Road is located in a residential area of Clevedon. The site has boundaries that face on to Walton Road and Valley Road. The former is part of the B3124, which is the main link road between Clevedon and Portishead.
6. There is a mixture of different house styles and boundary treatments in the local area. The predominant boundary treatment along Walton Road is stone walls of varying heights with open front gardens or planting behind. There is the occasional fence along Walton Road and on Valley Road, some of which have either been constructed behind a stone wall or on top of a wall.
7. The appellant has erected the wooden fence along the entire boundary of the site that faces on to Walton Road and it rounds the corner on to Valley Road

- before stopping where the boundary straightens out. The development also includes a wooden gate that faces on to Walton Road.
8. The fence has been erected behind a low stone boundary wall. The gate is within a break in the wall. The extent to which the fence and gate rise above the wall is significant and this leads to the fence being overtly noticeable when viewed in the context of the immediate street scene and the other boundary treatments along this stretch of Walton Road.
 9. The height of the fence and gate and their position directly behind the low wall facing on to a main road, with minimal screening, has resulted in a very visible incongruent feature being introduced into the street scene in a prominent location. The development is not in keeping with the boundary treatments along that side of Walton Road, in the vicinity of the site.
 10. I noted when on site that the fence stops abruptly at the Walton Road end with no return at a similar height or an acceptable blending into a lower boundary treatment. This is an awkward feature of the development that exacerbates the harm identified above.
 11. I acknowledge that the fence and gate would weather over time and the tone of the development would be softened. However, I have already found harm in relation to the height of the fence and gate, their position in a prominent position on a main road and the manner in which the fence stops abruptly at one end. As such, these factors taken together mean that the gradual softening of the fence and gate would not be a sufficient reason to conclude that the development would become acceptable over time.
 12. The appellant has suggested that the fence and gate could be painted green or another suitable colour. It appeared to me when on site that some of the panels have already been lightly coloured with a green stain. Having regard to this proposed mitigation measure, I consider that the same conclusion in relation to the weathering of the development can be drawn. The painting of the fence and gate would not address the areas of issue that I have identified.
 13. The appellant has drawn my attention to ivy that is growing on the wall close to the junction with Valley Road and suggested that climbing plants could be planted behind the fence and allowed to grow over the development. However, this could not be relied on to sufficiently screen the development as the ongoing long-term retention and maintenance of plants could not be guaranteed nor the extent of their coverage. Furthermore, a condition requiring this planting to trail over the development is unlikely to meet the tests of preciseness and enforceability.
 14. I have had regard to the other fences in the local area. The appellant has drawn my attention to specific fences. The comparison made by the appellant between the appeal development and other fences in the local area are noted. However, I have been provided with minimal details on the planning circumstances of those other fences. Additionally, they are either not situated in the immediate locational context of the site or they are of a different design and scale to the appeal development. Those other fences are therefore not directly comparable. Furthermore, I have determined the appeal development on its own merits based on all of the submitted evidence.

15. For the above reasons, the development causes harm to the character and appearance of the area. Consequently, there is conflict with Policy CS12 of the North Somerset Core Strategy and Policy DM32 of the North Somerset Development Management Policies Sites and Policies Plan, which both seek to achieve high quality design and place making.
16. The Council's reason for refusal includes Policy DM38. However, I note that the policy relates to the extension of existing properties and the construction of new outbuildings. As the appeal does not relate to an extension or an outbuilding, I consider that Policy DM38 is not relevant to the development in this case.

Other Matters

17. I understand that the fence and gate have addressed privacy issues, trespassing, littering and other anti-social behaviour. The appellant has provided reasoning why a hedge would not be a suitable alternative to the fence and gate. However, little substantive evidence has been submitted to support the reasoning. Nevertheless, even if a hedge was not an alternative solution, I have minimal details on other options that may have been explored.
18. The appellant has drawn my attention to Clevedon Town Council resolving to support the application. Nevertheless, I have considered the development on its merits based on all the evidence before me.

Conclusion

19. For the above reasons, and having regard to all other matters raised, the proposal harms the character and appearance of the area and therefore conflicts with the development plan, when taken as a whole. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR