



Appeal Decision

Site visit made on 3 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2023

Appeal Ref: APP/R1845/W/23/3320195

Land opposite 350 Chester Road North, Kidderminster DY10 2RU

- 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 Mr Bruce Whitmore against the decision of Wyre Forest District Council.
 - The application Ref 23/0001/FUL, dated 2 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is described as *"Removal of an existing wall (if needed), removal of any old fence (metal). Replace with a new 6ft feather edged fence. Also scrape back any shoots, rubbish or debris off the pavement to make way. Possibly trim any trees upon erection. Small gate at one end for access (foot), not vehicle"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The date of the application is missing on the original planning application form. I have therefore used the date for the application as that given on the appeal form in the absence of another date being provided by the main parties.
3. The site address details on the planning application form does not include Kidderminster, whereas the Council's decision notice and the appeal form do, so I have included it in the address of the banner heading for completeness.
4. In September 2023, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site represents an undeveloped piece of land on the eastern side of the A449 Chester Road North. The land rises steeply in parts, from west to east, and has been partially cleared but remains heavily covered by trees and vegetation. The trees are covered by a Tree Preservation Order and include mixed species of oak, birch and yew trees. The trees have a high amenity value and contribute significantly to the character and appearance of the area.

7. The surrounding area is largely residential but small pockets of open space, with mature trees and dense vegetation, are a strong feature in the locality, particularly along this part of the A449. These small pockets of open space, which the Council describe as Green Infrastructure, help to break up the otherwise built-up environment. Therefore, they have a positive contribution to the character and appearance of the area.
8. The proposed development is for the erection of a 6-foot high, feather-edged fence that would be erected along the site boundary with the A449 Chester Road North. A gate is also proposed within the new fence line to allow pedestrian access to the land. The proposed fence would be positioned to the rear of the pavement edge, and would have a considerable length along the highway, which has a gentle incline in a southerly direction.
9. There are a range and variety of boundary walls and fences along this part of the A449. In particular, the residential properties opposite have low level red brick walls on their front boundary. There is also a taller concrete block wall, with fence above, on the opposite side of the road. Furthermore, a neighbouring property to the appeal site has a short section of timber fencing on its boundary, on the pavement edge, which is also partially set behind dense vegetation. The proposed fence would be of a similar height and appearance to the neighbouring fence. However, the proposed fence would be of a considerably greater length than the neighbouring fence and it would not be set behind dense vegetation. Therefore, the position of the proposed fence, along the pavement edge, would introduce a highly visible, solid structure to the street scene for a substantial length along the A449, which would therefore have an abrupt and incongruous appearance. It would therefore result in adverse harm to the appearance of the appeal site and the contribution that the open space has to the area.
10. The appellant suggests that a fence could be erected without planning permission if it were to be set away from the boundary. It is also suggested that an alternative design of fence, with a gravel board base, could be proposed instead of the feather-edged fence. However, there is no substantive evidence before me to indicate that such alternatives would have the same or greater degree of prominence as that relating to the appeal scheme. The Council has also confirmed that the alternative design of fence would not overcome their concerns and nevertheless, as I am required to do, I have determined the appeal on the plans and details before me.
11. For the reasons outlined above, the proposed development would be harmful to the character and appearance of the area. Therefore, the proposed development fails to accord with the aims of Policies SP.20, SP.28, DM.24 and DM.26 of the Wyre Forest District Council Local Plan 2016-2026, which together, amongst other things, require development to integrate effectively with its surroundings and make a positive addition to the streetscape and Green Infrastructure, and to reinforce local distinctiveness.

Other Matters

12. The appellant has set out that the proposed fence would enclose the land so that it is secure, for pets, to prevent trespassing, fly tipping, crime and disorder, anti-social behaviour and protection from noise and exhaust fumes. It is also suggested that the proposed development would improve privacy for the appellant and reduce health and safety risks from falling trees and people

injuring themselves. However, there is insufficient substantive evidence to demonstrate that a fence would prevent the identified problems to the extent that they would outweigh the harm caused by the impact of the proposed development on the character and appearance of the area.

Conclusion

13. For the reasons given above, I have found that the proposed development would conflict with policies contained within the development plan. Whilst it may not conflict with other policies, I consider that it would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR