



Appeal Decision

Site visit made on 21 November 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 30.11.2023

Appeal Ref: APP/U1105/D/23/3331532

13 Mount Pleasant Avenue, Exmouth EX8 4QG

- 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 Bailey against the decision of East Devon District Council.
 - The application Ref: 23/1352/FUL, dated 22 June 2023, was refused by notice dated 01 September 2023.
 - The development proposed is described as the installation of wooden featheredge board fence.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of wooden featheredge board fence in accordance with the terms of the application Ref: 23/1352/FUL, dated 22 June 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250 dated 22 June 2023; Site Plan Scale 1:200 dated 22 June 2023; South East Elevation Ref: PP.2258631 Scale 1:100; and South West Elevation Ref: PP.2258631 Scale 1:100.

Procedural Matters

2. The description on the decision notice refers to the appeal proposal as 'retrospective.' Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use. I have therefore not included the word 'retrospective' in the description of the proposal, and I have considered the appeal on that basis. I have also made minor revisions to the description of the development to better reflect the proposal before me.

Main Issue

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

Reasons

5. No. 13 Mount Pleasant Avenue is situated on a corner plot with the cul-de-sac Swiss Close. It is positioned part way up Mount Pleasant Avenue and is relatively visible in the street scene. The surrounding area includes a range of properties, the majority of which appear to have been constructed in the mid to late C20 and have reflective characteristics.
6. The proposal relates to the provision of featheredge board fencing along the boundaries of the property with Mount Pleasant Avenue and Swiss Close. The fencing is positioned slightly set back and above an existing low-level boundary wall.
7. From my visit to the appeal site and the surrounding area, I noted a number of examples of similar fencing enclosures, including on similar corner plots. I also observed a number of circumstances where gardens and boundary enclosures appear to have been replaced by off-street parking spaces to the front of properties. There were also numerous examples whereby hedging had grown above the low level boundary walls to the front of properties to provide enclosures to roadside boundaries. In this context, the principle of alterations to the front boundary of the property and to provide for a means of enclosure are consistent with the surroundings to no. 13.
8. I also observed from my site visit that the proposed fencing enclosure has been well executed. It is not overly high or visually dominant, and the finish and texture is of a good standard. It does not appear unduly prominent or out of place within the street scene and the context I have referred to above. It therefore follows that the appeal proposal does not harm the character and appearance of no. 13 or that of the surrounding area.
9. As a consequence, I find that the proposal would align with Policy D1 of the adopted East Devon Local Plan 2013 – 2031, and Policy EB2 of the made Exmouth Neighbourhood Plan 2018 - 2031, which amongst other matters permit proposals where they are mindful of surrounding building styles and respect the key characteristics and special qualities of the area in which the development is proposed.

Conditions

10. As the proposal is retrospective, a commencement condition is not required. In order to provide certainty as to what has been permitted, I have imposed a condition specifying the relevant drawings.

Conclusions

11. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR