The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date:30.11.2023

Appeal Ref: APP/V3120/D/23/3326587
Heatherstone, The Green, East Hanney, Wantage, Oxfordshire OX12 0HQ

- 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 N Alcock against the decision of Vale of White Horse District Council.
- The application Ref P23/V0534/HH, dated 2 March 2023, was refused by notice dated 23 June 2023.
- The development proposed is a described as 'New acoustic fencing to rear garden'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description above is taken from the planning application form, however I have omitted the superfluous words that are not acts of development.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the East Hanney Conservation Area.

Reasons

4. The appeal site includes a modern detached dwelling and its garden. It lies to the rear of the residential properties fronting The Green and is located within the East Hanney Conservation Area (CA). The significance of the CA is derived from its high proportion of buildings of architectural or historic interest. The mature trees and wide grass verges and parcels of green space contribute positively to the pleasant verdant character and appearance of the area and the significance of the CA as a designated heritage asset. There are a range of different boundary treatments nearby of various heights, including stone and brick walls, hedges, and timber fencing.

5. The proposal seeks the erection of a 2.5m high acoustic fence along the rear boundary of the property which runs parallel to the A338, and the rear sections of the shared side boundaries with the adjoining dwellings.

6. Whilst the existing mature hawthorn hedge which runs along the rear boundary between the site and the A338 would screen the proposed fence in views towards it from the public highway, it is beyond the appeal site boundary and therefore not within the control of the appellant. At the time of my site visit I observed that the hedge in its current form partly obscures the existing highway signage. Accordingly, for these reasons I cannot be certain that the hedge would be retained in its current form and would not be subject to

significant pruning as part of its future maintenance, or even removal by a third party.

7. In the absence of the hedge the fence would occupy a prominent position adjacent to the highway and would be greater in height than most boundary walls and fences in the vicinity. Consequently, due to its length, height and siting it would be an uncharacteristic and visually incongruous feature, in stark contrast to the existing boundary treatments on this side of the A338. The fence would therefore be at odds with the prevailing character of the area and would fail to integrate appropriately with the character and appearance of the street scene.

8. I acknowledge the appellant's assurance that the erection of the proposed fence would be carried out in such a way so as to avoid damage to the existing hedge. Nevertheless, the reliance on a natural feature would depend upon its long-term wellbeing, which would be beyond the control of the appellant. If the hedge were to die, any replacement planting would take a considerable length of time to become established. The existing arrangement and screening effect of the mature vegetation cannot therefore be guaranteed in perpetuity.

9. In light of the above considerations, I conclude that the proposal would harm the character and appearance of the area. Accordingly, it would fail to preserve or enhance the character and appearance of the CA and would undermine its significance as a designated heritage asset. In finding harm, this is something to which I have given considerable importance and weight to. However, given it would be localised, the harm I have identified would be less than substantial in the terms of the National Planning Policy Framework (the Framework).

10. In accordance with advice in the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst I appreciate the appellant seeks to improve noise levels within the site, this would be a private benefit. The submissions do not highlight any public benefits to the proposal. Accordingly, the less than substantial harm that would be caused to the significance of the designated heritage asset identified above is not outweighed by any other factors.

11. My attention is drawn to other walls and fences nearby which are of a similar height. However, due to their design and siting, these examples do not give rise to the same degree of harm I have identified in relation to the appeal proposal, so as to suggest that poor design should be accepted in this particular location.

12. Moreover, even if I were to accept the fallback position that a fence 2m in height could be erected as permitted development, given that it would be lower in height and, therefore, less dominant than the appeal proposal, it would not result in the level of harm I have identified above.

13. For the foregoing reasons I therefore conclude that the proposal would fail to preserve the character and appearance of the CA and would cause less than substantial harm to its significance as a designated heritage asset. In the absence of any public benefits to outweigh this harm it would conflict with the combined aims of Policies CP37 and CP39 of the Vale of White Horse Local Plan 2031 Part 1, which seek, among other things, new development of a high quality design that responds positively to the site and its surroundings and

conserves designated heritage assets. It would also fail to accord with Policies DP36 and DP37 of the Vale of White Horse Local Plan 2031 Part 2, which require proposals to demonstrate that they conserve and enhance the special interest or significance of the heritage asset and conserve or enhance the special interest, character, setting and appearance of Conservation Areas. It would also fail to reflect the aims and objectives of the Framework which seek to conserve and enhance the historic environment.

Other Matters

14. Pound Croft House, 1 and 2 The Green and Tudor Cottage, Grade II listed buildings, lie close to the site. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these buildings, I am satisfied that the setting and significance of the listed buildings would not be harmed.

15. Whilst the Parish Council (subject to the retention of the hedge), County Archaeologist, Local Highway Authority and Environmental Protection Officer have not objected to the proposal, the absence of objection does not in itself render the scheme acceptable.

16. Concerns regarding the behaviour of the Council during the processing of the planning application are beyond the scope of this appeal.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR