



Appeal Decision

Site visit made on 7 February 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.02.2024

Appeal Ref: APP/Y1110/D/23/3334372

Stoneycombe, Matford Road, Exeter, Devon, EX2 4PE

- 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 & Ms M & B Meeke against the decision of Exeter City Council.
 - The application Ref 23/0533/FUL, dated 27 April 2023, was refused by notice dated 28 September 2023.
 - The development proposed is the removal of existing rusted metal fence and sparse laurel hedge, replacement with facing brick wall and pillars with timber fencing between and formation of new pedestrian entrance.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal property a two-storey detached dwelling of relatively modern design idiom on a corner plot fronting Matford Road to the east and Matford Avenue to the south. It lies within a neighbourhood of generally well-proportioned, usually older, homes of varying designs for the most part set within sizeable plots. The locality is of established residential character and the roads, various boundaries, gardens and properties all come tighter to create a locality of very pleasing appearance.
 4. The appeal proposal is a brick boundary wall with pillars and timber fence infills around 2260mm in height, measured from the public highway, on the southern aspect; a 2000mm curved brick wall on the corner between south and east; and a new pedestrian gate on the eastern aspect. Along Matford Avenue the proposal would replace lower railings and laurel hedging presently about 2000mm in height.
 5. The site lies within the St Leonards Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a
-

Conservation Area. Policy C1 of the Exeter Local Plan First Review (LP) reflects the importance placed on Conservation Areas.

6. The Appellants strive for increased privacy for a part of their home which, while it fronts a road, clearly functions more akin to a rear garden with its south facing outside amenity area and main room arrangement. Unfortunately, the planned scheme is simply too excessive in its scale and inappropriate in its design. This infill fence form of tall boundary treatment in my opinion would be more suited on a side return on a distributor road in a housing estate rather than an avenue in an aesthetically special part of town. The roads here are usually abutted by leafy planting and where they are not then brick walls are generally lower than the proposal, sympathetically formed and long established. High fencing is extremely rare.
7. In this context I find that the proposal would be jarring on the eye, appear awkward, dominant, out of scale, and incongruous alongside the highway, and diminish the character and visual qualities of this street scene.
8. Having regard to the foregoing I conclude that there would be conflict with S72(1) of the Act and LP Policy C1; there would not be preservation of the character and appearance of the Conservation Area. Additionally, I conclude that the scheme would run contrary to LP Policy DG1 and Policy CP17 of the Exeter Local Development Framework Core Strategy. Taken together these policies seek to deliver well designed development which respects and complements context and local distinctiveness through, amongst other matters, suitable scale, materials, landscape integration and siting.

Other matters

9. I do appreciate that relative levels make total privacy difficult to achieve on the Matford Avenue side of the home. I could see that some additional height to the hedging and some planted bolstering for what I perceive to be relatively modest gaps might assist. Alternatively, or additionally, it may be that the Appellants and Council could, hopefully, and despite the history, reach satisfactory agreement on a revised approach. This would need to encompass road-side boundary treatment which would be more subtle and appropriate in scale and design to the wider scene than the scheme before me.
10. I have reviewed examples of boundary treatments on other local properties which were drawn to my attention. However, through position, height, materials, or design I found none to be directly comparable to the appeal proposals. In any event I must determine this case on its own merits.
11. It is inferred that dismissing the appeal would interfere with the Appellants' and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Right Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of a Conservation Area.

12. I have carefully considered all points raised by the Appellants and I conclude that the matters do not outweigh the concerns which I have in relation to the main issue identified above.
13. Finally, I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; the development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellants, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR