

Appeal Decision

Site visit made on 14 March 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024.

Appeal Ref: APP/P2114/D/24/3336864

Shardon, Westhill Lane, Yarmouth PO41 0RW

- 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 David Wilson against the decision of the Isle of Wight Council.
 - The application, Ref. 23/01577/HOU, dated 10 September 2023 was refused by notice dated 3 November 2023.
 - The development proposed is a new boundary fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the new fence on the character and appearance of the street scenes of Westhill Lane and Hammond Close.

Reasons

3. The appeal dwelling, 'Shardon', is one of two similar single storey dwellings in Westhill Lane on either side of the junction with Hammond Close, the other being named as Farley's End on the Ordnance Survey map submitted with the application.
 4. The existing fence on the site is 7.5m from the kerbside of Hammond Close and the appeal proposal would move it 4m closer, leaving a gap of 3.5m. However, I consider that the existing generous building line to the flank of the above-mentioned properties is read in the street scene as visually linking into the even greater distance between Westhill Lane and their frontages.
 5. The extent of the openness of this side of Westhill Lane would have been unusual in the 1960s when the development took place but is even more so nowadays. And as such, this open character and its resultant greenery gives the appeal property and its surroundings a pleasingly distinctive character and appearance which in my view should be preserved.
 6. The moving forward of the side boundary fence of Shardon as proposed in the application would also remove the balance that exists with Farley's End. And because its existing width was clearly considered necessary to complement the open frontage, the appeal proposal with its much smaller 3.5m gap to Hammond Close would inevitably appear as being somewhat incongruous.
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7. I have given careful consideration to the grounds of appeal. I recognise that the enclosure of the additional land would have benefits for the appellant, but it would have been clear at the time of moving into the property that this area of land was intended to be within the public realm rather than for the benefit of the occupiers, their ownership of the area notwithstanding.
8. As regards the photographs of other nearby properties and the space around them, I consider that I can give these only very limited weight in coming to my decision on the appeal. This is because, as I have explained, although the existing arrangement of a very generous ratio of public realm open space to enclosed private curtilage is unusual, it is this that gives this part of Westhill Lane and Hammond Close its distinctive character and appearance.
9. Accordingly, the enclosure of a substantial part of the open land as proposed would have an adverse effect and I consider that this would be in harmful conflict with Policy DM2 of the Island Plan Core Strategy 2012 and with Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework (as revised December 2023).
10. For these reasons the appeal fails.

Martin Andrews

INSPECTOR