



Appeal Decision

Site visit made on 5 March 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/Y3940/W/23/3325430

15 Bugdens Close, Amesbury, Wiltshire SP4 7WG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Hagger against the decision of Wiltshire Council.
 - The application Ref is PL/2023/01274.
 - The development proposed is a fence to the side/ rear of the house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the construction of the fence has been completed, and I was able to see this during my site visit. The description of development on the application form was "*We have erected a fence within the border of our property, to the side/rear of the house. It does not come past the front line of the house. It is up to approximately 50cm from the boundary. This has replaced overgrown hedges and bushes which were increasingly difficult to maintain and encroaching onto the pavement.*". This description was amended in the decision notice. In the absence of any confirmation from the appellant, I have used the original description from the application form, amended to remove words which are not acts of development.
3. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. The amendments do not materially affect the parts of the Framework relevant to this appeal and so it is unnecessary to seek the parties' comments on the revisions.

Main Issue

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

Reasons

5. The appeal property is a prominent corner plot at the junction of Bugdens Close and Carpenter Drive. In this part of the residential estate, front gardens are either open or enclosed by black metal railings. The layout of properties generally keeps rear garden boundaries out of the public realm, but where they form a noticeable part of the street scene, rear gardens are enclosed by tall brick walls with flint detailing. The consistency in high quality and robust materials gives the area a unified and attractively designed character.

6. Although in private ownership, the evidence indicates that the area of garden now enclosed by the fence was a landscaped area separated from the rear garden of the appeal property. This would have reflected several similar corner treatments in the estate, including the facing corner on the entrance to Bugdens Close which retains its landscaped treatment. In providing a set-back in front of the original rear garden of the appeal property, landscaping would have provided a pleasant appearance of verdancy in a prominent junction location. While the appellant may have felt unable to manage the landscaping of the area, that is not in itself a reason to allow harmful development.
7. By virtue of its contrasting materials, the installed fence is a stark addition to the street scene, contrasting with the unified character of this part of the estate. Located on a prominent corner junction, the full extent of the fence is apparent over a considerable distance, and by being erected hard to the edge of the pavement, the fence creates a jarring, harsh appearance. The appellant highlights that planting could be introduced to the road-side of the fence, and climbers could be planted to soften the appearance of the structure. However, I observed on site that there is very little space available for such planting, particularly on the long, south-eastern edge. Consequently, even if some planting could be introduced, it would not appropriately soften the full extent of the fence.
8. I accept that there are examples of similar fencing used in Bugdens Close and Carpenter Drive. However, these are typically short fences, discretely located out of the public realm, and are typically set back from any pavement edge behind private parking or landscaping. They therefore do not have the same effect on the character and appearance of the area as the appeal development.
9. The appellant has drawn my attention to various other examples of similar fencing being used in the local area to form boundaries, and I visited a number of these during my site visit. I observed that many of the examples highlighted were in different areas of the estate, where the use of close boarded fence was more commonplace and a consistent part of the street scene. For example, I note that properties on Simmance Way, Butterfield Drive, and Maple Way are frequently enclosed by panel fencing. However, these examples are not visible from the appeal site or seen in the context. They therefore do not influence the character of the site context or alter the clear design intent for the consistent palette of materials in and around Bugdens Close. Accordingly, the examples given do not convince me that the intrusion from the appeal development is justified.
10. I accept that the fence has faded since its installation, and would likely continue to do so. I also accept that the fence could be painted, and that this could be controlled by condition. Nevertheless, even with such treatment, the development would remain a stark and incongruous addition to the street scene.
11. I have had regard to the Council's adopted Design Guide 'Creating Places' (2006). Part 26 refers to the detailed design of boundaries, and underlines the importance of boundary treatments to the overall quality of a scheme. I have also had regard to the National Design Guide (2023) which identifies that well-designed places have a coherent identity, and says that local identity is made up of typical characteristics and features that can be distinguished by their

physical form and design. As an uncharacteristic addition to the street scene, the development would fail to respond to these guiding principles.

12. Taking all of the above into account, the development unacceptably harms the character and appearance of the area, and as such is in conflict with Policy CP57 of the Wiltshire Core Strategy (2015). Amongst other matters, this policy expects development to create a strong sense of place through drawing on the local context and being complimentary to the locality, and requires development to respond positively to the existing townscape in terms of materials and streetscape. There would also be conflict with the Framework where it seeks development which is sympathetic to local character, including the surrounding built environment.

Other Matters

13. I accept that the development has removed a potential highway safety hazard through the removal of vegetation encroaching on a public pavement. However, I have not been presented with any substantive evidence that this planting restricted visibility to an unsafe level, or was the cause of any accidents in the period of time prior to its removal. Nor has it been shown that it would not have been possible to remove encroaching vegetation through routine maintenance. Accordingly, this benefit carries limited weight in favour of the development.
14. I acknowledge the appellant's concerns regarding the security, safety, and privacy of their property, noting that the planted area has been subject to littering in the past. I also acknowledge the importance of the privacy and safety of visiting grandchildren, which is a primary concern. However, I have not been presented with any substantive evidence that the rear garden, before its extension to encompass the landscaped area, did not provide for a safe, secure, and private space.
15. I understand the appellant's desire to increase the size of their rear garden, and bring an area that was difficult to manage under easier maintenance. I also acknowledge the difficult position that the appellant is in, and recognise that the cost of boundary enclosures are not insubstantial. However, the personal benefits of the scheme to the appellant do not outweigh the public harm caused to the character and appearance of the area in this instance.
16. I note that the Council has not found harm in respect of neighbouring amenity, however the absence of harm in this matter is neutral in the planning balance, and does not alter my overall conclusion. I also note that no objections have been received from neighbouring occupiers, but this is not a reason in itself to allow harmful development in conflict with the development plan.

Conclusion

17. For the reasons given above I find that the development conflicts with the development plan when read as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR