



Appeal Decision

Site visit made on 8 April 2024

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/E3335/D/23/3332636
31 Coat Mead, Martock, Somerset TA12 6FU

- 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 Elsley-Lavers against the decision of Somerset Council.
 - The application Ref 23/02168/HOU, dated 22 August 2023, was refused by notice dated 19 October 2023.
 - The development proposed is reposition existing fence on eastern boundary closer to the edge of the title boundary of the property. Existing fence along northern boundary to extend to meet new position of fence along the eastern boundary.
-

Decision

1. The appeal is allowed and planning permission is granted for reposition existing fence on eastern boundary closer to the edge of the title boundary of the property. Existing fence along northern boundary to extend to meet new position of fence along the eastern boundary at 31 Coat Mead, Martock, Somerset, TA12 6FU, in accordance with the terms of the application, Ref 23/02168/HOU, dated 22 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing Number - PL-001
 - Drawing Number - PL-004
 - Drawing Number - PL-005

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area and effects on highway safety.

Reasons

Character and appearance

3. The appeal site is located within a new residential estate and comprises a detached dwelling on a corner plot, with rear garden enclosed by a 1.8 metre timber fence. The flank wall of the dwelling and garden side boundary form a part of the streetscene between the appeal site and No 38 Coat Mead. The side enclosure of the garden has been generously inset from the extent of land owned by the appellant and is formed of a timber boarded fence with vegetation growing on the highway side.

4. The proposal is to relocate the garden boundary to more closely follow the extent of land associated with No 31, removing the generous inset from the highway edge. Whilst the fence is intended to be of a replica design to what exists at present, the vegetation would need to be removed.
5. Whilst the generous inset from the highway edge and vegetation on the outside of the fence contributes a degree of openness and softness to the streetscene, the relocation would take in such a modest space considered in context with the wider surroundings that it would be of limited consequence overall. The Appellant has indicated that there would be sufficient space to allow for vegetation to be replanted which could reduce the stark appearance of such a length of new fencing, but which should be managed to avoid encroachment onto the footway.
6. For the above reasons, the proposal would not have a harmful effect on the character and appearance of the area and would thus comply with Policy EQ2 of the South Somerset Local Plan (2015) (Local Plan) which seeks to ensure that proposals maintain local distinctiveness. Whilst this Policy was not listed in the Council's decision notice, it has been referenced and described in the officer report. For similar reasons, the proposal would also comply with the aims of Section 12 of the National Planning Policy Framework 2023 (the Framework). Amongst other things, this Section of the Framework seeks to ensure that development will function well and add to the overall quality of the area and is visually attractive as a result of good architecture, layout and landscaping.

Highway safety

7. Due to the corner position of No 31, it forms an obstruction to the view of oncoming traffic until any vehicles have rounded the corner past it. The repositioned fence would be around 450mm from the highway edge but would only be set off the back corner of the dwelling and would not materially alter the distance over which drivers will have to see that there is an advancing vehicle and respond, should it be necessary, particularly given the low speeds of traffic over an estate road such as Coat Mead and given that it is a dead-end, serving only around another 4-5 houses beyond the appeal site.
8. The driveway for No 38 is positioned such that its closest front corner is around a few metres from the corner of the fence. This means that almost the length of the driveway is unobscured by fencing at the present time and drivers can see across the verge of No 31 before starting a reversing manoeuvre across the footway. The same cannot be said for driveways belonging to Nos 36 – 30, the visibility associated with which is often likely to be obscured by vehicles parked on either side.
9. A vehicle reversing from the driveway of No 38 would do so at low speeds and would have sight of any oncoming vehicles as they were reversing across the footway. This is not an uncommon situation and the risks associated with this are low due to the low use nature of the estate road, low speed environment and as reversing into the driveway and leaving in forward gear is also an available option. The absence of comments from the Council's highways consultee does not lead me to a different finding.
10. For the forgoing reasons, the proposal would not have a materially harmful effect on highway safety and would thus comply with Policy TA5 of the Local

Plan which seeks to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all.

Conditions

11. In addition to the statutory time limit condition, a condition is necessary specifying the approved plans in the interests of certainty.
12. Whilst the Council has suggested a materials condition, the proposed plans listed in condition 2 specifically specify a timber close boarded fence. There is no need to seek any further control on the materials.

Conclusion

13. I have found that the proposal complies with the development plan and that there are no considerations that indicate that permission should be withheld otherwise than in accordance therewith.
14. As such, the appeal is allowed.

Hollie Nicholls

INSPECTOR