
Appeal Decision

Site visit made on 9 May 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.05.2024

Appeal Ref: APP/V3125/D/24/3338690

22 Flemings Road, Woodstock, Oxfordshire, OX20 1ND

- 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 Michael Trumper against the decision of West Oxfordshire District Council.
 - The application Ref 23/02843/HHD, dated 24 October 2023, was refused by notice dated 18 December 2023.
 - The development is described as the retention of an existing boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The fence subject of the appeal is already in place and was erected without the requisite planning permission. The appellant wishes to retain it. I shall therefore treat the original application as having been made under section 73A of the Act¹.

Main issue

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

Reasons

4. The appeal property stands at the junction of Flemings Road and Princes Ride, within a maturing residential estate of a pleasant appearance. The fence which is of a substantial length has been erected along the Princes Ride frontage. It replaced what is said to have been a problematical leylandii hedge, which in the appellant's view did not provide sufficient levels of security and privacy and could have proved to be a fire hazard. However, judging from images on Google Earth, the leylandii hedge looked well maintained in June 2022. The submitted plans and images also show that a significant length of what appeared to be a lower laurel hedge was taken out to accommodate the fence.
5. The plain fence was erected at the back of footpath and to my mind appears stark and utilitarian contrasting markedly and unfavourably with the pleasantness of the greenery which existed previously. There is no doubt in

¹ The Town & Country Planning Act 1990 (as amended).

my mind that the grubbing up and removal of the hedges and the erection of the fence in such a prominent position has harmed local visual amenity.

6. The appellant's primary planning justification is that the fence is not uncharacteristic of the locality, and points to several instances where fences are apparent. I saw those for myself. Not all are directly comparable, but where some lengths may be considered so, they too do not complement local visual quality but detract from it. Accordingly, the existence of some other fencing of questionable amenity value does not justify the erection of more. Most dwellings in the locality display a healthy level of greenery open to public view in their gardens, thus contributing positively to the pleasantness of the local scene.
7. The appellant indicates his preparedness to accept the imposition of conditions or modifications to the fence to reduce any perceived adverse impacts on the street scene. However, no modifications have been suggested by the appellant and it is not my place to propose any. I do not consider that painting or staining the fence would sufficiently reduce the level of harm caused, and the position of the fence at the back of footpath drastically reduces the prospects of a successful landscaping scheme. No landscaping scheme which may demonstrate how the harmful impact of the fence could acceptably be reduced has been put forward. In the absence of a scheme or description of how a satisfactory landscape scheme could be conceived, I do not consider the imposition of conditions, as suggested by the appellant, would successfully mitigate the harm.
8. I therefore conclude that the development has harmed the character and appearance of the locality. Accordingly, a clear conflict arises with those provisions of policy OS4 of the West Oxfordshire Local Plan directed to achieving high quality design with a view to enhancing the character and quality of the surroundings and enhancing local green infrastructure.

Other matters

9. All other matters raised in the representations have been taken into consideration, including the views of some local residents and the Parish Council. I do not consider that the erection of the fence has caused a material diminution in either highway or pedestrian safety, and I note that neither the Highway Authority nor the Planning Authority raised an objection on this account.
10. I note the references to other development plan policies and to local and national guidance. However, I consider that the development plan policy I have referred to is the most relevant for the purposes of this appeal.
11. No other matter raised is of such strength or significance as to outweigh the factors that led me to my conclusions.

G Powys Jones

INSPECTOR