



Appeal Decision

Site visit made on 29 May 2024

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/U1105/D/24/3339590

Whiteleaf, Road from Heathfield Cross to Bowls Cross, Poltimore, Devon EX4 0AD

- 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 Mrs Eileen Wilkins against the decision of East Devon District Council.
 - The application Ref is 23/0176/FUL.
 - The development proposed is construction of a fence between the property and the road to replace a 10 foot high Leylandii hedge.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a fence between the property and the road to replace a 10 foot high Leylandii hedge at Whiteleaf, Road from Heathfield Cross to Bowls Cross, Poltimore, Devon EX4 0AD, in accordance with the terms of the application, reference 23/0176/FUL, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Front Fence, Position of New Fence.

Procedural Matter

2. The planning application was made retrospectively. The fence has already been erected.

Main Issue

3. The main issue in this case is the effect of the fence on the character and appearance of the area.

Reasons

4. The appeal concerns a detached dwelling which is situated in a small hamlet. The lanes leading into the hamlet are distinctly rural in nature, characterised by high hedgerows and abundant vegetation. When passing through the built-up area, the lane maintains this green and open appearance, with low density housing and front gardens shaping the street scene.
5. Due to its height, the fence blocks views into the appeal property from the road outside. This reduces the openness of the street outside the property and introduces a hard edge in place of the vegetation that is seen elsewhere along this part of the road frontage.

6. However, the fence occupies a relatively short section of road and so the lane maintains an open and verdant appearance overall, even outside the appeal property. There is a similar section of wooden fencing elsewhere in the street and so the materials are in general keeping with the surroundings. Hence, the fence is not an unduly prominent feature, despite its height.
7. This leads me to conclude that the fence has an acceptable effect on the character and appearance of the area. There is no conflict with Policy D1, Strategy 7 or Strategy 48 of the Local Plan¹ which aim to protect local distinctiveness. The appeal is therefore allowed. In the interests of clarity, a standard condition requiring the development to be carried out in accordance with the plans has been imposed.

C Cresswell

INSPECTOR

¹ East Devon Local Plan 2013 to 2031