
Appeal Decision

Site visit made on 29 May 2024 by S Indermaur MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/Y3940/D/23/3331083

Bridge House, New Bridge Road, Harnham, Wiltshire, Salisbury SP2 8AA

- 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 Mark Burfitt against the decision of Wiltshire Council.
 - The application Ref is PL/2023/00801.
The development proposed is described as 'Erect close board wood fence on top of existing brick wall at front of property. The boundary is adjacent to the footway beside New Bridge Road, Salisbury SP2 8AA (A338). The existing wall is 1m high. The fence will not exceed 1m in height and the total height of existing wall and new fence will not exceed 2m.'
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Decision

1. The appeal is allowed and planning permission is granted for to erect close board wood fence on top of existing brick wall at front of property, at Bridge House, New Bridge Road, Harnham, Wiltshire, Salisbury, SP2 8AA in accordance with the terms of application Ref. PL/2023/00801 and 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: Site Plan, Location Plan and the Existing and Proposed Plan Revised received by the Council on 05 June 2023.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. In the decision above, I have used only that part of the description which refers to an act of development.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area including the Salisbury Conservation Area.

Reasons for the Recommendation

6. The appeal site is situated along a busy dual carriageway which has a footway on both sides. The site is located opposite the Salisbury Conservation Area (CA). The nearby section of the CA comprises a wide, treed verge with farmland beyond. The open nature of this part of the CA and its contrasting relationship to the built-up area of the city contribute to its significance.
7. From the CA, you can see residential and commercial uses along the other side of New Bridge Road with a variety of boundary treatments that exhibit different heights and create both open and enclosed frontages. While the Council suggests some may not have permission or were granted under different policies, there is no evidence before me that enforcement action is underway or that they are likely to be removed. They are therefore relevant to the current character and appearance of the area.
8. The appeal property is a detached large dwelling in a spacious plot that sits below the main road level, with stairs in the garden that lead up to a gate accessed from the footway. The road edge is bounded by a brick wall, with trees and vegetation sat just behind it that soften the view into the garden, with few visibility gaps. The immediate neighbour has a timber fence on top of a brick wall. The plot on the other side has a lower wall of similar height to that present on the appeal site. There is therefore a clear sense of enclosure along this stretch of the road.
9. There are other timber fences in the locality, as well as walls of different styles, some with hedges behind. The proposed fence would use similar dimensions and materials to those used at No 3. The fence would sit above the existing wall with additional posts placed on the outside, which together would break up the length and visual appearance of the run of fencing, similar to that achieved next door. The use of a slightly different design would also mean that the two fences would not be seen as one long stretch of uniform fencing. Consequently, the proposal would draw on the local context and would be complimentary to the locality and respond positively to its immediate setting with regards to its height, scale and materials.
10. Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a CA. The Framework also requires that great weight be given to the conservation of designated heritage assets.
11. Although the proposal is not located within a CA, it would be within its setting and seen in views out of the CA. Even though the proposed fencing would be readily visible from the CA, there are already a variety of boundary treatments seen in the same views. Given the similarity to the fence at No 3 and the presence of other taller boundary treatments nearby, the proposed fence would not appear as out of character and would not significantly or harmfully change the views from, or the setting of, the CA. Consequently, the proposal would not harm its significance or special interest.

12. Even if the trees are removed, which is not the appellants intention, the fence and wall combination proposed would remain consistent with other boundary treatments in the area, including at No 3. The trees could also be removed with or without the proposed fence, although the Council has the option to protect them if it considers they have sufficient amenity value. Consequently, the potential for the loss of softening vegetation does not change my conclusions above.
13. Accordingly, for the reasons outlined above, the proposal would not harm the character and appearance of the area, including the CA. The proposal would not therefore conflict with Policies 57 and 58 of the Wiltshire Core Strategy (2015), which together require development to achieve a high standard of design and conserve the historic environment.
14. Furthermore, there would be no conflict with the Framework, which seeks development that is sympathetic to the local character and heritage.

Conditions

15. In addition to the standard time period for commencement of the development, I recommend a condition requiring the development accord with the approved plans, as this provides certainty and precision.
16. The appellant has suggested that a condition could be applied to stain or paint the fence. However, this would not be necessary for the fence to be acceptable, and it is up to the discretion of the appellant to choose whether or not they wish to do this.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation set out above. On that basis the appeal is allowed subject to the listed conditions.

L McKay

INSPECTOR