



Appeal Decision

Site visit made on 9 August 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/P2114/W/24/3341322

25 Sunningdale Road, Newport, Isle of Wight PO30 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Sandra Dye against the decision of Isle of Wight Council.
 - The application Ref is 24/00012/RVC.
 - The application sought planning permission for Proposed detached dwelling with parking without complying with a condition attached to planning permission Ref P/01332/18, dated 28 January 2019.
 - The condition in dispute is No 4 which states that: *'Apart from site clearance and the construction of foundations no construction of the building above DPC shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building hereby permitted is occupied. Development shall be carried out in accordance with the approved details.'*
 - The reason given for the condition is: *'In the interests of maintaining the amenity value of the area and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.'*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
3. The original planning permission¹ granted a detached dwelling with parking subject to a number of conditions including condition no.4 seeking the submission, approval and erection of details of boundary treatment before occupation of the building. Following this, fencing measuring 1.2m in height with planting behind was consented under reference 22/00372/DIS discharging condition no.4. The planning application² subject of this appeal proposes the variation of condition no.4 to allow retention of the fence as constructed measuring approximately 1.7–1.75m in height.
4. The appellant summarises opposition to the Council's case on the basis that the fence is not detrimental, does not cause a degree of harm with the area that

¹ P/01332/18

² 24/00012/RVC

comprises a wide variety of designs and styles of fencing with fencing of the height constructed typically found on corner properties. In addition, the appellant states that the benefits in reducing overlooking from the highway to the property outweigh the disadvantages of the additional fence height.

5. In light of the above, the main issue is the effect of varying the condition on the character and appearance of the area.

Reasons

6. The appeal site is located at the corner of Sunningdale Road and Alderbury Road. The immediate area is characterised by detached and semi-detached dwellings fronting the roads. The front boundaries to the dwellings on these roads predominantly comprise open frontages enabling the parking of cars, or low walls or fencing, some with planting behind them. The combination of these frontages gives the area a generally open and soft character.
7. The close boarded fence as erected runs for a considerable length along the back edge of the pavement to Sunningdale Road, and also returns along the back edge of the pavement to the site frontage with Alderbury Road. Given its height, length and position at the edge of the pavement, it forms a large, obtrusive and incongruous feature in the street scene which is at odds with the prevailing character.
8. I appreciate that the fence as constructed is simple in design, will weather further over time and is only approximately 50-55cm taller than the consented fence. Nonetheless, the height of the fence is higher than those to road frontages of properties in close proximity and encloses the majority of the property from the street. Moreover, the site occupies a corner location resulting in the fence being prominent in the street scene.
9. I acknowledge that the property on the opposite corner benefits from substantial boundary planting, but this planting provides a soft visual edge to the roads and is set behind a low boundary wall. I have had regard to the presence of tall boundary treatments to 8 Sunningdale Road and 24 Wilver Road but these enclose a rear and side garden and are shorter in length than the appeal proposal. Any fencing to dwellings at 90 degrees to the pavement are shorter in length and less prominent. As a result, these fences are not directly comparable to the development forming part of the appeal.
10. I have also had regard to the fence enclosing 35 Alderbury Road that occupies a corner location. However, I have no information regarding its planning history to be sure it is directly comparable with the development the subject of this appeal. Additionally, it is set behind a small boundary wall and is not characteristic of the wider area. As such its existence does not justify the harm identified above.
11. I have been advised that the fence could be lowered in height once planting is established behind it and would prevent spread of the hedge over the pavement. However, the lowering of the fence does not form part of the development before me, and a lower fence would also prevent spread over the pavement. Furthermore, this would not overcome the harm to the character and appearance of the area whilst the planting establishes. I have also been advised of the presence of a previous fence on the site and taller 2m hedge prior to the construction of the dwelling. Nonetheless, I have limited

information regarding their positions and extent. As a result, I cannot be sure that they are directly comparable to the proposal before me.

12. I acknowledge that the height of the fence provides privacy to the appellant's front and side garden. Notwithstanding, it is not uncommon for front and side elevations of dwellings to be visible from the road. Moreover, the property benefits from a rear garden area enclosed with a tall fence set back from the pavement edge behind the car parking spaces that provides more private outdoor space. As a result, any benefits to privacy do not outweigh the harm identified to the character and appearance of the area.
13. It follows from the above that I conclude that the effect of varying the condition would be harmful to the character and appearance of the area. The condition therefore accords with Policy DM2 of the Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012 (CS). Amongst other things, this seeks a high-quality design to protect, conserve and enhance the existing environment, seeks to provide an attractive built environment with a sense of place and to complement the character of the surrounding area. In this regard, the condition would accord with the National Planning Policy Framework (the Framework) that seeks to achieve well-designed and beautiful places.
14. The Council's reason for refusal references Policy DM11 of the CS. However, as paragraphs 7.177 and 7.178 explain, this policy relates to the built and historic environment collectively known as heritage assets. Given that the appeal site is not a heritage asset and is not located within or close to the setting of a heritage asset, I do not find the policy directly relevant to the appeal.

Other Matters

15. The development does not harm the living conditions of neighbouring occupiers or cause harm to highway safety. However, as these are requirements of local planning policies and national guidance, they are neutral in my consideration.

Conclusion

16. For the reasons given above the appeal is dismissed.

C Rose

INSPECTOR