



Appeal Decision

Site visit made on 6 August 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/U3935/D/24/3342489

Plum Tree House Old Vicarage Lane South Marston Swindon SN3 4SH

- 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 Louise Hill against the decision of Swindon Borough Council.
 - The application Ref. is S/HOU/23/1002/JP.
 - The development proposed is Boundary Fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the fence upon the character and appearance of the area.

Reasons

3. South Marston is a small village on the western edge of Swindon with, at its core and around the appeal site, a primary school, church, war memorial and village hall. Together with traditional, mostly detached, dwellings of differing ages these are arranged informally along roads which are described in the South Marston Neighbourhood Plan 2017 (Neighbourhood Plan) as the 'Backbone of the village' which include Old Vicarage Lane¹ (the Lane).
4. The appeal site is located on a sweeping corner which wraps around the private garden of Plum Tree House with its fore-garden on its south side, adjacent to the railing-enclosed Primary School, and open to the Lane with low palisade fencing. From this point northwards and along the back of pavement its rear amenity space is enclosed by a high close-boarded fence set back a short distance from the pavement. This space, which is much less than the 1m width mentioned by the appellant in reference to a previous approval² for boundary treatment, appears neglected and makes an untidy contribution to the otherwise well-maintained and attractive street scene. That includes a small group of individual nineteenth-century dwellings on the northern and eastern side of the Lane opposite the site enclosed, predominantly, by attractive low hedging. Sections of stone walling front the nearby village hall which is separated from the appeal site and its fencing by a more recent dwelling with low palisade fencing.

¹ This description does not apply to other parts of the village such as 'Greenfields'

² S/HOU/16/2223,

5. It is proposed to replace the existing arrangement around the site boundary with a 1.8m high close boarded fence along the back edge of the pavement removing the current neglected margin. Whilst this would address problem of maintenance referred to by the appellant, the result would be an anomalous length of high close-boarded fencing along the back of pavement unrelieved by any hedges or other green softening. This would stand in stark contrast to the low, open character of the surrounding, less wide, plot frontages that bring significant visual interest to the street scene.
6. The appellant indicates the appeal arises from difficulty experienced in achieving a previously approved scheme which included a similar fence but with a hedge set within a 1.0m strip at back of pavement. It is not explained why the planting margin found on site is significantly narrower and, therefore, likely to make a traditional hedge less able to thrive. Although the appellant details a number of factors in justification for relocating a boundary fence at the back of pavement, many of these are matters of private law relating to property that are not before me to consider other than to the extent they are a material planning consideration, to which I will now turn.
7. Policy DE1 of the Swindon Borough Local Plan 2026 (SBLP) sets aspirations for high quality design, and at (d) refers to the benefits that arise from quality of the public realm. The Neighbourhood Plan identifies the importance of hedges in the built-up parts of the village to maintaining a rural identity in proximity to the large settlement of Swindon. Whilst erecting a new high fence at the back of pavement might be a benefit to the appellant this must be weighed against the impact of the proposal on the quality of the public realm. The result would be an anomalous enclosure oppressively close to the back of pavement along, as the appellant identifies, a well-used pedestrian thoroughfare in the centre of the village. It is my judgement that this weighs significantly against the proposal.
8. The immediate setting to the appeal site displays a public realm of high quality and attractive visual interest to which the existing boundary treatment of Plum Tree Cottage does not contribute positively. A margin of suitable width would, with appropriate preparation, protection and maintenance, normally be sufficient to allow hedging of suitable species to be established. I can therefore attach little weight to the appellant's justification which is insufficient to outweigh the further harm that the proposal would bring as an alien element in the street scene. I therefore find the proposal would conflict with the objectives of Policy DE1 of the SBLP and, thereby, with the development plan as a whole. Consequently, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR