



Appeal Decision

Site visit made on 12 November 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/J3720/W/24/3346804

1 The Willows, Willow Gardens, Northend, Warwickshire CV47 2UY

- 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 Mr Alex Maxwell against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03313/FUL.
 - The development proposed is described as "Erect 7 x 50mm double arched top paling panes and 1 x 75mm rounded paling gate on the border of our boundary with a minimum distance of 600mm from the tarmacadam drive so as to not create any visual obstruction for access and egress for vehicles and pedestrians. To be in keeping in the style and height of existing fencing on Willow Gardens. Existing height of the first fence panel was agreed with occupier of number 2 Willow Gardens to give good levelling of the fencing to give consistency of height. Since installing the fencing there has been no complaints from the Willow Garden residents. The new area created is now being used as recreational and amenity use. The previous recreational area to the side of the property now serves as a parking space with no change in the vehicle tracking from the road to the private road. Drive in reverse into parking space. Drive off private road to main road facing traffic from left to right with good all round clear vision".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On my visit I saw a fence at the appeal property, seemingly in accordance with the submitted plans and photographs. As such, the appeal development has been completed.

Main Issues

3. The main issues are (i) the effect of the fence on the character and appearance of the area, and (ii) its effect on parking.

Reasons

Character and appearance of the area.

4. The appeal property lies near to the entrance of a small residential close. There is a significant sense of enclosure to the cul-de-sac due to the fairly narrow access drive, the obvious presence of boundary features and as the houses are near to each other. Submitted photographs show there was no boundary feature to the front of the appeal property prior to the erection of the fence subject of this appeal. The same photographs demonstrate how the

lack of any feature helped to provide a welcomed sense of openness to the entrance of Willow Gardens.

5. In views from Top Street into Willow Gardens and from within the cul-de-sac itself, it is readily apparent that the fence has reduced the openness to the front of the site. Also, it causes an unattractive tunnelling effect as there is a significant length of fencing on the opposite side of Willow Gardens to the appeal site. Through a combination of these factors, the fence significantly detracts from the appearance and character of Willow Gardens.
6. Prior to the erection of the fence, the front part of the appeal property was used for parking. This in itself would have impacted on the openness of the site. However, parking would have been a transient effect. The fence is more harmful as it forms a permanent and obvious sense of enclosure due to its height, length and positioning on the front boundary.
7. Fencing similar to that on the appeal site also exists around the front area of the adjoining property. This also has an effect on the openness of the cul-de-sac. However, this fence is set back from the entrance to the close and so it is not as noticeable than the fence at the appeal property. Also, the appeal development leads to an additional loss of openness and a sense of enclosure that is detrimental to the visual qualities of Willows Gardens.
8. The fencing subject of this appeal is similar in style to that opposite and on the adjoining site. Accordingly, it does not appear alien to the street scene. However, acceptability in these regards does not address the identified detrimental effects of the fence.
9. For the above reasons, I conclude the development harms the character and appearance of the area. In these regards, it would not accord with policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 (the CS). Amongst other things, this requires development to improve the quality of the public realm and to enhance the sense of place.

Parking.

10. A plan provided indicates the area enclosed by the fence would have been large enough to accommodate 2 small cars or a single larger vehicle. The fence prevents the use of this area for parking. Instead, part of the garden area to the side of the appeal property nearest to Top Street is now used as on-site parking for a single vehicle.
11. Part C of CS policy CS.26 states that development should not have excessive on-site parking but provision will need to be sufficient to avoid unacceptable effects on the local area or highway safety. Reference is made to the Council's Parking Standards as an influence on the level of parking deemed appropriate. These are included in Part O of the Council's Development Requirements Supplementary Planning Document (Part O). For a 2 bedroom house such as the appeal property these standards stipulate 2 parking spaces.
12. The fence has resulted in less potential parking space on the appeal site. The single parking space currently on the property is below the 2 spaces stipulated under the Council's standards. However, Part O states the parking standards will be used as a guide and that other factors such as impact on highway safety will also be considered. Therefore, it is clear the Part O standards

should not be the only factor in deciding whether parking provision is acceptable, especially when read alongside Part C of CS policy CS.26.

13. As it would effectively lead to the loss of a single parking space, the development is likely to cause only a minor increase in road parking. There are no parking restrictions on significant stretches of Top Street and it would be convenient for occupants of the appeal property and for visitors to park on the public highway. I understand that occasional events at the nearby village hall leads to significant kerbside parking demand. However, Warwickshire County Council as highway authority have undertaken an assessment of the development and it envisages the new parking arrangement would not have a detrimental impact on highway safety. I fail to see how any roadside parking as a consequence of the development would cause harm for any other reason.
14. Therefore, I conclude the development would avoid unacceptable effects as a result of parking associated with the appeal property. Sufficient parking would be retained and so the development would accord with CS policy CS.26. Any conflict with Part O standards does not constitute a sound reason to refuse planning permission.

Other issue and planning balance.

15. The development has allowed a greater level of privacy to the front of the appeal property and the creation of a larger garden area. However, the benefits in these regards do not justify or outweigh the harm identified under the first main issue.

Conclusion

16. I have found the knock-on effects of the development in terms of parking are acceptable but that the fence is harmful to the character and appearance of the area. The scheme is contrary to the CS policies when read as a whole and there is insufficient justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR