
Appeal Decision

Site visit made on 9 October 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/C3105/W/24/3349520

40 Ardley Road, Fewcott, Oxfordshire OX27 7PA

- 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 Jamie and Victoria Norris against the decision of Cherwell District Council.
 - The application Ref is 24/00753/F.
 - The development is the removal of an existing 1 metre high close boarded timber fence and replacement with a 1.8 metre high fence, including gated vehicular entrance.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants' statement refers to boundary planting to the front of the installed fence on Ardley Road. On my site visit I observed this hedgerow in situ. I have therefore considered the appeal proposal on this basis.

Main Issue

3. The main issue is the effect on the character and appearance of the site and area.

Reasons

4. Taken together, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (CLP15), saved Policies C28 and C30 of the Cherwell Local Plan (1996) (CLP96) and Section 12 of the National Planning Policy Framework ('the framework'), seek to secure high quality and attractive development which responds to site context and positively contributes to the character and appearance of the area.
5. The part of Ardley Road in which the appeal property is located is characterised by a mixture of detached and semi-detached homes with good sized front gardens. Properties include a variety of front boundary treatments, including low level walls, fences and gates as well as hedges of varying heights. This creates a pleasant overall open character.
6. The introduction of a 1.8 metre high close board fence and gates along the front boundary of the appellants' home introduces a stark and unacceptably intrusive feature within the streetscene. These are overly high and impenetrable structures in comparison to other front boundary fences, walls

and gates in the street scene. Therefore, they appear incongruous and at odds with the character and appearance of the appeal site and area.

7. An evergreen hedge has been planted forward of the front boundary fence. I recognise that this planting largely obscures the fence and that it reflects other boundary hedges in the area. Also, the appellants confirm that they would be willing to retain it as such. However, the hedge sits outside the appeal site red line boundary and therefore the land is not under the control of the appellants. Consequently, a condition to require a management strategy for the hedge would not be enforceable and would not meet the tests set out in Paragraph 56 of the framework. Given that there is no certainty that the hedge would remain in situ and be managed in a manner to continue to screen the fence, this landscaping warrants only limited weight and does not lead me to a different view.
8. In conclusion, the fence and gates unduly harm the open character and appearance of the site and street scene. The appeal scheme is therefore in conflict with Policy ESD15 of the CLP15, CLP96 saved Policies C28 and C30 and Section 12 of the framework.

Other Matters

9. I acknowledge the appellants' desire to improve the security of their home to avoid further criminal damage to their property. I also note that they consider that gates provide additional security for a family member who sleepwalks. However, I consider these issues could be addressed in a more sympathetic manner. I therefore attach moderate weight to these matters in support of the appeal.
10. I have considered examples of gates and boundary treatments in the vicinity referred to by the appellants in support of their scheme. I note that gates at 48 Ardley Road appear to have been altered to increase their height and obscure views into the site. Also, a fence and gates at Wychwood, Waterlane are similar in appearance to the appeal scheme. However, these examples do not reflect the overall character and appearance of the area. Also, I have limited information about the histories of these structures before me and, in any event, each case must be considered on its own merit. Therefore, these examples warrant only limited weight.
11. None of the above matters provide sufficient justification for the appeal scheme, which I have found to unacceptably harm the character and appearance of the site and area.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that this appeal should be dismissed.

Rebecca McAndrew

INSPECTOR