



Appeal Decision

Site visit made on 13 January 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/U1105/D/24/3348571

58 St. Andrews Drive, Axminster, Devon EX13 5EZ

- 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 Miss Clare Humphreys against the decision of East Devon District Council.
 - The application Ref is 24/0175/FUL.
 - The development proposed is for fencing erected to replace hedging.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the planning application, the subject of this appeal, was determined a new version of the National Planning Policy Framework (the 'Framework') has been published (12 December 2024). There has been no material change to National Planning Policy in respect of householder appeals and therefore I consider that it was not necessary to refer back to the parties.
3. At the time of my site visit, a 6ft high close boarded fence had been erected around the frontage of the appeal dwelling; including along the whole length of the boundary shared with 57 St. Andrews Drive and along the north eastern boundary up to the gateway into the appeal site's driveway. The fencing appears to have been erected in accordance with the submitted plans and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

5. The appeal site is located in a prominent position at the junction of St. Andrews Drive and Millwey Avenue. The front gardens in the locality tend to be fairly open, but if boundary treatments are present, they tend to be low in stature. In comparison, the fencing, by reason of its height and impermeability, appears as a strident feature within the street scene rendering it as incongruent and visually intrusive.
6. I acknowledge that the fence replaced a hedge of a similar height, however the erection of the fence constitutes development that requires planning permission.

Whilst I accept that the remaining hedge comprises conifers that are certainly not in the best of health; nonetheless it does not mean that a suitable replacement hedge could not be planted.

7. I do however note the issues that have been associated with the hedge, including littering, but that does not negate the visual harm that ensues from the erection of the fence. I did note fencing further up St. Andrews Drive of a similar height to that proposed, however, that appears to have been erected for quite considerable time and to be enclosing a side garden, rather than a front garden/driveway area. However, with regard to this and the other examples cited, ultimately each case must be assessed on its own merits and I say this notwithstanding that no comments were received from other residents.
8. Therefore, I consider that by reason of its height and prominent position between the principal elevation and the public highway, that the proposed fence constitutes an unduly intrusive and harmful feature within the street scene that is contrary to Policy D1 of the East Devon Local Plan 2013-2031 (adopted 2016) which requires new development to be of a high quality design that respects the key characteristics of the area in which it is proposed, ensuring that the scale relates well to their context.

Conclusion

9. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR