



Appeal Decision

Site visit made on 15 September 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/P2114/D/25/3368875

Sunset Beach, Madeira Lane, Freshwater, Isle of Wight PO40 9SP

- 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 Andrew Clark against the decision of the Isle of Wight Council.
 - The application Ref. is 25/00393/HOU.
 - The development proposed is a low-level front and one side fence located at the front boundary of the property, built at 900mm high from wooden posts and open slats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the already erected fence on the character and appearance of Madeira Lane, Freshwater.

Reasons

3. The Council's concern is that although the driveway remains open, the 900mm high fence at the front of the property in Madeira Lane, erected with a return along the shared boundary with the neighbouring Trefirs, has led to a harmful enclosure of the front garden and is visually intrusive and incongruous within the open and spacious street scene.
4. The Officer's Report explains that the necessity of a permission for the fence arises from a condition imposed on the 1963 permission for 23 dwellings in Madeira Lane, and from my visit I can understand why this was originally considered important in terms of maintaining a verdant and informal character as part of the development.
5. The Council concedes that Madeira Lane now includes several other properties that have their frontages enclosed by boundary fencing but argues that these are newer houses on a short section of the lane. Given that the permissions for these buildings could have had a restrictive condition imposed to keep the frontages open and on the assumption that the fences are not in breach of such a condition, I can understand why the appellant considers that the refusal for Sunset Beach is unfair and inconsistent. I also accept that with its height of a metre or so, the fence is less prominent than some others.
6. Be that as it may, I agree with the Council's view that 'hard' front boundary treatments are harmful to the character and appearance of Madeira Lane. And by comparing the fence in this appeal with the open plan frontage of Sunset Beach shown in Google imagery before the fence was erected, I am also satisfied that

harm has in fact been caused to the character and appearance of Madeira Lane in this case. Furthermore, if I allow this appeal, it would be difficult for the Council, in all fairness, to refuse similar applications from other residents of Madeira Lane.

7. The appellant refers to other residents erecting fences and planting bushes to prevent car parking encroachment on their land. However, I do not regard landscaping in the form of bushes and hedges as having the same harmful impact on the area as fences, even allowing that planting can result in a degree of enclosure. In the initial period it is normally feasible to use the occasional boulder to protect the trees, hedges, or bushes from being damaged by cars.
8. For the above reasons I consider, on balance, that the development is unacceptably harmful to the character and appearance of Madeira Lane. This conflicts with Policy DM2 of the Island Plan Core Strategy 2012 and with Section 12: 'Achieving Well-Designed Places' of Government policy the National Planning Policy Framework, revised December 2024.
9. The appeal therefore fails.

Martin Andrews

INSPECTOR