



Appeal Decision

Site visit made on 5 November 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/C3105/D/25/3373198

2 Somerville Drive, Bicester, Oxfordshire, OX26 4TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Crisp against the decision of Cherwell District Council.
 - The application reference is 25/01773/F.
 - The development proposed is erection of 0.83m close boarded fencing on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it describes the proposal more concisely. The proposal is part-retrospective.

Main Issues

3. The main issues are the impact of the proposal upon i) the visual amenity of the street scene and ii) highway safety.

Reasons

Visual Amenity

4. The appeal site is located in a residential area which is characterised by generally open frontages which are bounded/have boundaries denoted by hedging or low boundary walls/fences which contribute to a generally open feel within the street scene as well as contributing to a verdant character. The appeal site is bound by an existing brick wall which stands in the region of 1 metre in height. The proposal seeks to erect close boarded fencing, at a height of in the region of 0.83 metres, on top of the existing original front garden wall as well as installing gates.
5. The erection/retention of the proposed fencing on top of the original front garden wall would be in direct conflict with the prevailing character of the area which, as outlined, is characterised by open frontages. Within the vicinity of the appeal site, within which it would be viewed, there are no examples of solid boundary features of the nature proposed within this appeal. The proposal would, therefore, present as entirely alien and incongruous in contrast to the areas of land in front of the dwellings along Somerville Drive performing a valuable function in the street scape and positively contributing to the open character of the area. The fencing, solidly enclosing the front of the appeal site, would cause significant harm to the character and appearance of the street scene as a result of this direct contrast.

6. Reference is made to other properties having similar fencing on top of brick walls but that such fences are situated around back gardens and further back from the road (on Churchill Road). Somerville Drive is accessed from Churchill Road and, comparatively, Churchill Road is a much busier through-road compared to Somerville Drive which is a cul-de-sac. Churchill Road and Somerville Drive are, therefore, very different in terms of character and appearance albeit in the immediate vicinity of the junction of Somerville Drive and Churchill Road I find that the front of properties are still open and the fencing, of the nature discussed within the third party comments, is typically more associated with side fencing or rear gardens and is not comparable to the proposal that is before me.
7. Whilst there are hedgerows over the low boundary walls as outlined, these do not require planning permission and, comparatively, they continue to contribute to the verdant nature of the street scene. I note that the appellant refers to the proposals as contributing to a neat, well maintained, frontage however for the reasons set out I find that the fence would be out of character especially combined with the solid gates demonstrated within the appellant's statement of case. The appellant outlines that this should be balanced against the substantial benefits for privacy, security and family safety on the basis of the appeal site being highly exposed to the public realm. I note the commentary made with regard to the small size of the rear garden and the front garden needing to be utilised as the main amenity space.
8. Dismissing the appeal would therefore interfere with the appellant's and their families' rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the first protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights, interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of the character and appearance of the street scene and the wider surroundings. I find that the proposal would result in significant harm to the character and appearance of the street scene as a result of the discordant addition to the top of the existing boundary wall and, whilst I acknowledge the stated need for the proposal, interference is necessary in the circumstances to protect the character of the street scene and locality in accordance with the relevant policies that I have outlined.
9. Furthermore, I have no evidence before me to outline that, for example, maintenance and retention, of the boundary vegetation at a similar height could not reasonably offer the appellant increased privacy as required. Notwithstanding the appellant's comments regarding parking outside the site, and general activity in the area, the appeal site is located within a residential area where some degree of intervisibility and views into front gardens properties are natural and characteristic within sites of this nature. Overall, I find that the fence on top of the existing original front garden wall, and the proposed gates, would result in an incongruous and alien feature that would have a harmful impact (through their retention) on the visual amenity of the street scene which is sufficient to warrant refusal.
10. The proposal would be contrary to Cherwell Local Plan 2011 - 2031 Part 1 (LP1) Policy ESD15 which requires proposals to contribute positively to an area's character and identity and Cherwell Local Plan 1996 (LP) Policies C28 and C30 which seek to ensure that proposals are sympathetic to the character of the urban context and that proposals are compatible with the curtilage and character of the street scene. The proposal would also be contrary to paragraph 135 of the

National Planning Policy Framework 2024 (the Framework) which seeks to ensure that developments will function well and add to the overall quality of the area as well as being sympathetic to local character.

Highway Safety

11. Oxfordshire County Council, as the highways local authority, have objected to the proposal on the basis that it would restrict the visibility from the drive onto the footway and road. Whilst I acknowledge these comments the appellant outlines that prior to the erection of the fencing on top of the existing garden wall there were hedges and/or bushes on the appeal site boundary behind the wall in question. Whilst hedges/vegetation in general may allow glimpsed views for users of the appeal site as well as other highway users (including pedestrians) the vegetation boundary would still have largely the same visual implications for highway safety as the proposed close boarded fencing.
12. Whilst the appeal site is located on the inside of a slight bend, this, combined with the road speeds and the visibility which would be achieved as a result of vegetation compared to the proposed fencing, I find would result in insufficient evidence to dismiss the appeal on the grounds of highway safety. The gates are stated, by the appellant, to have a width of in the region of 3.6 metres and based upon the evidence before me I find that the proposal would be acceptable in terms of highway safety based upon the site characteristics and taking into account alternatives (such as hedgerow and tree planting) which would ultimately be beyond the control of the Council and result in the same visual implications.
13. I do not find that the proposal would detrimentally impact highway safety by restricting vision splays for vehicles exiting the property and the proposal would be consistent with LP1 Policy ESD15 which seeks to demonstrate the holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movements and integrates different modes of transport and parking. The proposal would also be consistent with paragraph 116 of the Framework which confirms that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. I note third party comments submitted, however, I have dealt with the matters raised with regard to character and other examples of fencing stated, as well as privacy for the appellant and considerations as to the site characteristics, within the main body of this decision letter.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR