
Appeal Decision

Site visit made on 28 November 2017

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th December 2017

Appeal Ref: APP/R3325/D/17/3178258

9 Champion Drive, Yeovil BA22 8QS

- 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 Mrs Marnie Lavery against the decision of South Somerset District Council.
 - The application Ref 17/00510/FUL, dated 1 February 2017, was refused by notice dated 29 March 2017.
 - The development proposed is described as "*erection of a fence inside the boundary line between our driveway and neighbour's driveway at the front of the house*".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively as the fence is in situ. However, this matter does not affect the planning merits of the development. Therefore, it has had no material bearing on my decision.

Main Issues

3. The main issues in this appeal are the effect of the fence on the character and appearance of the area and its effect on highway safety.

Reasons

Character and appearance

4. The appeal property is a detached dwelling located towards the end of a small residential cul-de-sac of similar detached properties forming part of a planned modern housing estate. On this part of the estate the dwellings are usually set back from the street behind amply sized front gardens, which are generally enclosed by hedges and other planting of varying height or low walls. These factors contribute significantly to the largely open, pleasantly spacious and suburban qualities of the locality.
5. Erected to replace a substantial hedge, the fence largely consists of solid vertical timber boarding supported by concrete posts. The fence extends perpendicular to the front of the appeal dwelling adjacent to the boundary with 11 Champion Drive, right up to the edge of the cul-de-sac. Therefore, the fence is of a significant length. Whilst part of the fence close to the cul-de-sac is around 1.2 metres high, with an overall height of around 1.75 metres the

greater part of the fence is appreciably taller than most of the boundaries at the front of other properties in the vicinity.

6. Due to the above factors, the fence is viewed at the front of the appeal property as a substantial built feature, with a somewhat austere and unyielding profile. Therefore, its appearance is entirely at odds with the softer shapes and more limited heights of other frontage boundaries generally found in the vicinity. Consequently, the fence is viewed as a discordant feature in the street scene. Moreover, due to its physical characteristics described above, the fence has also resulted in a more enclosed and urban feel at the front of the appeal property, which is entirely at odds with and significantly erodes the otherwise pleasant and coherent visual qualities of the locality.
7. I have been referred to examples of other boundary enclosures of varying height and materials erected at adjoining and nearby properties. However, I did not see any boundaries between properties that had a materially similar visual impact to the fence in this appeal in terms of their height, length or their context. Also, from the limited details supplied I am not clear whether the Council has permitted those examples, given that a condition of the original planning permission for this area of housing removed 'permitted development' rights for the erection of frontage walls, fences, gates and other means of enclosure¹. Therefore, the examples referred to carry only limited weight.
8. Although the appellant suggested that the fence could be reduced in height, other than in relation to the section adjacent to the cul-de sac I have not been given any firm details in that respect. Therefore, I cannot accurately assess whether a reduction in the overall height of the fence would overcome the harm identified above.
9. Consequently, the fence unacceptably harms the character and appearance of the area. It follows that the fence does not accord with Policy EQ2 of the adopted South Somerset Local Plan 2006-2028 (LP), as it is not of high quality design and it does not respect its local context or preserve the character and appearance of the local area.

Highway safety

10. The section of fence adjacent to the cul-de-sac considerably exceeds the 0.6 metre maximum height that the Council requires in order to afford adequate inter-visibility between vehicles and pedestrians when entering or leaving the appeal property and other nearby accesses. Reduction in the height of this section of fence could have been secured by a planning condition, had I been minded to allow the appeal and grant planning permission. Therefore, the unacceptable harm to highway safety caused by the fence would have been addressed. Consequently, subject to compliance with the condition the fence would accord with LP Policy TA5, as there would be a safe access on foot and by private transport.

Other Matters

11. I acknowledge that the fence requires less maintenance than planting and that the appellant has already paid to erect it. However, I can only afford those matters limited weight in my decision. I have taken account of the appellant's concerns regarding the representations made at application stage by interested

¹ Condition 04 on 97/00168/REM.

parties. Even so, I have determined the appeal on its planning merits. I also note the appellant's comments regarding erecting the fence following advice on the need for planning permission given by a Council officer. Nevertheless, that is a matter between the appellant and the Council.

Conclusion

12. Whilst the unacceptable harm to highway safety could be addressed, the fence unacceptably harms the character and appearance of the area. Therefore, it does not accord with the Development Plan.
13. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR