



## Appeal Decision

Site visit made on 4 July 2018

by G Powys Jones MSc FRTPI

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

Decision date: 19 July 2018

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Appeal Ref: APP/R3325/D/18/3199168

59 Birchfield Road, Yeovil, Somerset, BA21 5RW

- 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 Mark Burwood against the decision of South Somerset District Council.
  - The application Ref 17/04424/FUL, dated 15 November 2017, was refused by notice dated 3 January 2018.
  - The development is the erection of a boundary fence.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary fence at 59 Birchfield Road, Yeovil, Somerset, BA21 5RW in accordance with the terms of the application Ref 17/04424/FUL, dated 15 November 2017.

### Preliminary matter

2. The boundary fence subject of the appeal has already been constructed and the appellant, in effect, wishes to retain it. I shall proceed on this basis.

### The main issues

3. The main issue is the effect of the proposal on the character and appearance of the locality.

### Reasons

4. The appeal property stands at the junction of Birchfield Road and Bucklers Mead Road within a relatively modern residential estate. The appeal property's frontage onto Birchfield Road is unenclosed, but judging from the submitted photographs, that onto Bucklers Mead was formerly partly enclosed along the back of footpath by a leylandii hedge, inlaid by a timber fence. The hedge was removed some time ago and a new fence erected in its place, along the back of footpath and into the curtilage, on the line of the former hedge.
5. The fence, where it adjoins the highway is approx. 1.8m high, which as the Council says is 0.8m above that which would fall to be considered as permitted development. However, most of the two branches of the fence running back

towards the house would comprise permitted development, since they are not adjacent to the highway.

6. As the Council says, a hedge grows on the opposite corner on the junction, and most of the nearby gardens are fairly open in character. However, further

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along Bucklers Mead Road to the north-west several residential curtilages, or parts thereof, have been enclosed by timber fences of a similar height to that subject of appeal. In these circumstances, the fence subject of the appeal could not be said to be wholly uncharacteristic of the locality.

7. It strikes me that the appellant did not require planning permission to remove the hedge, and having done so, he could have left the old timber fence in place. Taking that factor into account, it seems harsh to me, to refuse permission for moving the new fence less than 500mm towards the highway. This is especially so given that the fence has drawn no objection from the highway authority, the Town Council or any local resident.
8. Taking the wider spatial context and all other factors into account, it appears to me that the Council has somewhat exaggerated the visual impact of the fence.
9. On balance therefore I conclude that the fence is not a wholly uncharacteristic feature of the locality and has not harmed its character and appearance. Accordingly the development does not materially conflict with that requirement of policy EQ2 of the South Somerset Local Plan designed to ensure that new development respects local context and reinforces local distinctiveness.
10. Since the development is complete the Council's suggested condition that it be built in accordance with the approved plans is unnecessary. No other conditions are necessary.
11. All other matters raised in the representations have been taken into account but none outweigh the considerations that led me to my conclusions.

9 (Powys Jones  
INSPECTOR

