The Planning Inspectorate

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Your Ref: PL/2023/07769
Our Ref: APP/Y3940/D/23/3336083

04 March 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Geraldine Williams
Site Address: 228 Winsley Road, Bradford On Avon, BA151QS

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Rabia Qazi
Rabia Qazi

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The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date:04.03.2024

Appeal Ref: APP/Y3940/D/23/3336083

228 Winsley Road, Bradford on Avon BA15 1QS

- 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 Geraldine Williams against the decision of Wiltshire Council.
- The application Ref: PL/2023/07769, dated 11 September 2023, was refused by notice dated 22 November 2023.
- The development proposed is the erection of 1.8 metre fence within existing stone wall surrounding front garden.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was evident to me from the submitted appeal documents and as I witnessed during my site visit that the works associated with the development proposed had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.

3. In accordance with Section 55 of the Act, which describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use, I have amended the description of the development as set out on the application form, and revised on the decision notice and the appeal form, to better reflect the development before me, including removing the word 'retrospective.'

Main Issue

4. The main issue is the effects of the development on the character and appearance of the appeal property and the wider area, including that of the Bradford on Avon Conservation Area (the CA).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Core Policy 58: Ensuring the Conservation of the Historic Environment of the Wiltshire Core Strategy Adopted January 2015 (the CS).

6. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including conservation areas), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 207 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

7. Policy BE1 of the Bradford on Avon Neighbourhood Plan Made October 2017 (the NDP) explains that: development should reinforce local distinctiveness and help create a sense of place; should relate to its site and wider setting; and materials used should relate to their surroundings and where appropriate should make a positive contribution to the public realm.

8. The appeal property is a large two storey traditional building situated on a prominent corner location fronting onto the busy Winsley Road. In 2019 planning permission[1] was granted to change the use and alter the appeal property from offices into 2 semi-detached cottages. I understand from the information before me that the front section of the appeal property was used as an open parking area with the former office use, and through the redevelopment as approved in 2019, this area was enclosed to provide for a courtyard garden area, with the approved plans indicating that the courtyard area would be positioned behind a 1.2m high stone boundary wall with hedging behind at 1.8m in height[2]. As I noted from my site visit, the front boundary wall has been constructed and contributes positively to the appeal property and the CA due to its consistency with what is found nearby, however the indicated hedging is not in place and the fence subject to this appeal is in situ.

9. The immediate surroundings to the appeal property contain a range of building styles. Nonetheless, the predominance of these buildings, like the appeal property, orientate towards Winsley Road. Where there are boundary enclosures, these primarily consist of low-level stone walling, which in some cases have hedging or similar natural landscaping features set behind. Whilst I accept there are variations to the above in the wider area, and in some cases there are fenced enclosures behind boundary walls fronting towards the highway, the prevailing characteristic in the context of the appeal property is as set out above, which represent positive attributes in this part of the CA.

10. Turning to the appeal development, following my observations from my site visit, I am of the view that the fenced enclosure represents an incongruous boundary feature that lacks consistency with the softer appearance of the majority of the front boundary enclosures found nearby. The solid characteristics of the fencing, alongside its height and proximity to Winsley Road on this exposed corner site, appear uncharacteristic and out of place. In reaching these conclusions, I have taken account of the appellant's comments that the fencing will weather over time, however I do not consider that the weathering process would result in the fencing appropriately blending in with the surrounding context, and therefore this would not address the concerns I have raised above. Ultimately, I consider that the appeal development

[1] 19/07207/FUL
[2] As shown on approved plans 1079 P02 Rev B and 1079 P03 Rev C

represents a prominent discordant feature to the front of the appeal property that materially impacts upon the visual and character qualities of the street scene and fails to preserve the character and appearance of the CA.

11. As I outlined above, I have observed other examples in the area of timber fencing enclosing gardens fronting towards the highway, a number of which have been referred to me by the appellant. However, whilst I do not have the details before me to understand the full circumstances behind each of these cases, I am of a view that these examples do not lend any particular merit in support of the proposals before me, and therefore do not lead me to reach a differing view on the proposed development. In any case, I am required to determine the appeal development on its own individual merits.

12. For the above reasons, the appeal development is harmful to the character and appearance of the appeal property and the surrounding area. The appeal development also fails to preserve or enhance the character and appearance of the CA. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The benefits to the appellant as set out in her Appeal Statement, including matters relating to privacy and proximity to Winsley Road, whilst understood, are not sufficient to outweigh the clear harm that I have identified.

13. Consequently, I find that the appeal development would conflict with Policies 57 and 58 of the CS, Policy BE1 of the NDP and Section 16 of the Framework, which amongst other matters seek to ensure that development contributes positively to the townscape and conserves designated heritage assets.

Conclusion

14. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR