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Your Ref: PL/2023/10509
Our Ref: APP/Y3940/D/24/3344172

Ms Jean Marshall
Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

24 September 2024

Dear Ms Jean Marshall,

Town and Country Planning Act 1990
Appeal by Helen Lawrence
Site Address: 9 Ermin Close, Baydon, Baydon, Marlborough, wiltshire, SN8 2JQ

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.

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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,

Jasmine Rogers
Jasmine Rogers

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The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/Y3940/D/24/3344172
9 Ermin Close, Baydon, Wiltshire SN8 2JQ

- 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 Helen Lawrence against the decision of Wiltshire Council.
- The application reference is PL/2023/10509.
- The development is described as "to erect a closed board fence that sits on top of the existing wall. The height of the fence will be 1.8m, the height of the wall is 0.3m giving a total height of 2.1m. This fence will replace the hedge that stood at 2.8m h x 2m w."

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent from my visit the fence had been erected. Notwithstanding this, I have determined the appeal on the basis of the submitted drawings, rather than what has occurred on site.

Main Issue

3. The main issue in this case is the effect of the fence upon the character and appearance of the area.

Reasons

4. The appeal property is a detached house positioned within a residential cul-de-sac comprising mostly detached houses and bungalows that are set back from the public highway behind front and side gardens. Many of these gardens are defined by tall boundary treatments, albeit there are a few that have low walls and open frontages. The long, straight nature of Ermin Close is such that the variety of boundary treatments along the public highway is apparent, and the presence of numerous established hedges gives a maturely verdant character and appearance to the area.

5. To the front garden of the appeal property adjacent to the public footway is a dwarf wall, on top of which is a close boarded timber fence. The combined height of the wall and fence appears conspicuously tall and stark within the street scene, and the height of the fence is such that it can be seen from long distances away. Although there is a gap to provide vehicular access to the dwelling, the fence forms an intrusively long, tall and defensive boundary across the front of the property.

6. There is a tall fence at 10 Ermin Close (No 10), and the juxtaposition of two tall fences together exacerbates the intrusive impact of that at the appeal property, particularly so as it is noticeably higher than that at No 10. Together the fences form a tall timber edge to the public footway that has a harshly monotonous appearance in an area comprising a variety of boundary treatments. The appellant has pointed out that the height of the fence is lower than the hedge it replaced, and that there are other hedges nearby that are taller. However, these hedges have a softer, verdant variety that is very different to the imposing monotony of the appeal scheme. In such a variable context the tall and long nature of the fence appears harshly and monotonously relentless, and this harm is compounded as the two fences together form a conspicuously long, tall, linear edge to the public realm.

7. Whilst there are other tall fences within the cul-de-sac, most do not have the same height as the appeal scheme, nor are there other properties that together form such long lengths. The fence and wall at 20A Ermin Close is taller, but it has a shorter length and less monotonous appearance due to the presence of mixed materials. There is a long, tall close boarded fence at 21 Ermin Close, albeit slightly lower in height than that at the appeal property. Despite the length of this fence it has a less harshly monotonous impact in the street scene due to the presence of the hedgerow above it.

8. The appellant would accept conditions to paint the fence and to reduce it to a height similar to the neighbouring one. However, painting the fence would do little to relieve the stark impact of the height and length. A height reduction would remove the conspicuous discrepancy that exists with the fence at No 10, albeit such a reduction would not mitigate the impact of the long length of the fence that even the presence of the access gap does little to relieve. The purpose of the fence was to provide security and privacy, and although the appellant has suggested the above referenced conditions, the imposition of one for visibility splays has not been agreed. The condition would have the benefit of improving safety for other users of the highway, particularly pedestrians, albeit the splays would result in the shorter section of the fence having an incongruously contrived, jagged height.

9. For these reasons the fence unacceptably harms the character and appearance of the area, and the suggested conditions of the parties would not overcome these harms. The appellant has referred to the Council having no clear policy for the cul-de-sac or for boundary treatments, citing the appeal decision (Appeal ref: APP/Y3940/D/22/3291247) as evidence. However, this permission allowed for a two-storey extension at the appeal property rather than boundary treatments. Having regard to this fundamental difference, the permission of the extension does not form a binding precedent for allowing the appeal. Moreover, Policy 57 of the Wiltshire Core Strategy (2015) is applicable in this case as it seeks amongst other things, a high standard of design for all new development that is complimentary to the locality, that enhances local distinctiveness, and takes into account the characteristics of the site and the local context. Given my findings the scheme would fail to accord with this policy, nor with similar objectives of the National Planning Policy Framework (the Framework) that require development to add to the overall quality of an area, as well as being sympathetic to local character.

Other Matters

10. The Council have confirmed that the village and the appeal property is within the North Wessex Downs National Landscape (NL). Consequently, there is a statutory duty to protect the landscape and scenic beauty of the NL, with objectives of the Framework requiring great weight to be given to conserving and enhancing their landscape and scenic beauty. Although the fence harms the character and appearance of the area, it does not significantly harm the wider landscape and scenic beauty of the NL. The appeal property is within a village and the fence is seen as part of the built-up area as a whole. Given this context, the fence does not harm the landscape and scenic beauty of the NL.

11. Finally, the appellant has raised concerns regarding the Council's handling of the case, including inaccuracies, a lack of engagement and negotiation, and the absence of enforcement action concerning other fences in Ermin Close. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

12. For the above reasons the scheme unacceptably harms the character and appearance of the area, and the suggested conditions would not overcome this substantial harm. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR