



Appeal Decision

Site visit made on 28 July 2020 by S Watson BA(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/C3430/D/20/3255063
87A Station Road, Wombourne WV5 9EW

- 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 & Mrs G Jakeways against the decision of South Staffordshire Council.
 - The application Ref 20/00193/FUL, dated 05 March 2020, was refused by notice dated 25 May 2020.
 - The development is described as the erection of metal fencing to northern boundary (retrospective).
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the locality and street scene.

Reasons for the Recommendation

4. The appeal site is on the south side of Station Road at the junction with Churchward Grove, it is set back from the road by a triangular verge which I understand to be in separate ownership. Between the house on the site and verge is a row of mature trees and the metal fencing being considered here. Within the site is a low dwelling facing east with its private garden to the north. The street scenes along both Station Road and Churchward Grove are characterised by low built boundaries which are often supplemented by taller planting.
5. Although the boundary fence is set back from the road it is set on higher ground and is not in any way screened along the north side. It is therefore in a prominent position visible from the highway. This is especially so when travelling towards the site from the north. The height and solid nature of the fence further increases its prominence by jarring with the soft and varied nature of the surrounding planting, as well as the predominantly low

boundaries. Although I note that the fence is a green colour this does little to improve its relationship with the character and appearance of the surrounding area.

6. In conclusion I find that the fence, by way of its design and materials in such a prominent location, harms the character and appearance of the locality and street scene. As such the proposal would be contrary to Policy EQ11 of the Core Strategy Development Plan Document, which amongst other things requires development to respect local character and distinctiveness and avoid inappropriate details.

Other Matters

7. The appellant has directed my attention to Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). They have raised the use of these rights as a fallback position in the event this appeal is dismissed. No evidence has been submitted to demonstrate that such work would be possible under this class, and it is not for me to assess whether such development could be undertaken. Moreover, the appellant has raised that the rights given by Class A have been removed from the appeal site. In all I find it very unlikely that a materially similar boundary could be erected under permitted development rights and as such find that there is no fallback position.
8. From the information before me, and my observations on site, I find that the metal fencing does not cause unacceptable harm to the living conditions of neighbouring occupiers. Nevertheless, this is not a benefit of the scheme, and as such does not outweigh the harm identified above. Although it has been brought to my attention that alternative schemes would not be tenable, I can only make my decision against the proposal before me.
9. Some anecdotal evidence has been submitted, by the appellant and a supporter, that there was a noticeable level of anti-social behaviour around, and on, the frontage of the appeal site. However, there is no substantive evidence of this so I can only give it little weight. It does not outweigh the harm identified.

Recommendation

10. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

K Taylor

INSPECTOR