



Appeal Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15.03.2024

Appeal Ref: APP/Y3940/D/23/3329249

16 Halifax Road Bowerhill Melksham Wiltshire SN12 6SL

- 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 Adam Surmacz against the decision of Wiltshire Council.
 - The application Ref: PL/2023/01275 dated 16 February 2023 was refused by notice dated 27 June 2023.
 - The development sought to be approved is Retrospective application for the installation of new feather fence to side and front of house, 2 no. garden gates and installation of black steel chimney to side of house.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of new feather fence to side and front of house, 2 no. garden gates at 16 Halifax Road Bowerhill Melksham Wiltshire SN12 6SL in accordance with the terms of the application Ref: PL/2023/01275 dated 16 February 2023 dated 16 February 2023 and the drawings submitted with it.

Preliminary Matter

2. The Council indicate that the steel chimney include in the description of development had not been positioned at the date of refusal, but a black steel twinwall flue was affixed to the side wall at the time of my site visit, terminating within 1m of the ridge of the roof. However it is not clear why retrospective approval is sought for this item, as Class G of schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits such and in the absence of justification for its inclusion as requiring permission, no action will be taken in relation to this part of the matter before me. I have amended the description of development and determined this matter accordingly. Reference is made to other matters which are not included in the description of development or decision notice and which I am therefore unable to consider.

Main Issue

3. The main issues are the effect of the works upon (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

4. Halifax Road is a distributor Road within a large development of twentieth-century housing. No.16 is a semi-detached two-storey dwelling located on a

corner with a short cul-de-sac that provides access to and parking for a small number of surrounding houses.

5. Images provided indicate what is found has replaced a low picket fence on both road frontages and represents a change in the height and appearance of perimeter fencing, no doubt in pursuit of improved privacy or security in an otherwise open setting to No.16.
6. The corner location and lengthy perimeter means that the fencing which is the subject of this appeal will have introduced discernible change in the local street scene. However, similar tall vertical-boarded fencing and generally extensive enclosure of gardens to other houses exist in proximity to the appeal site, including those which are adjacent to the highway and also opposite. This indicates that prior to the recent placing of the new fencing at the appeal site, the low picket fence it replaced was itself somewhat of an anomaly in the immediate area of the site.
7. In that context the suggestion of the first refusal reason as to failing to effectively integrate or respond positively to the setting of No.16 cannot be supported, directing a conclusion that the impact upon the street scene of the proposal cannot be reasonably contemplated as a causation of planning harm given the established character and appearance of the surrounding area.

Highway Safety

8. At the time of my visit the area was quiet with very few traffic movements. Even at busy times the small amount of street parking and around 12 garages which share the access cul-de-sac with No.16 suggest vehicle movements will be few and speeds low such that the risk of conflict with other users of the highway from users of the parking area of No.16 is similarly likely to be nominal. Whilst the installation of a high fence would reduce visibility from that afforded by a lower fence, what results is similar to the situation where private cars emerge onto a pavement or highway between hedging or fencing which is commonly found, and in such cases additional care is engendered by the circumstances of use such that risk of harm arising from use of the parking space is unlikely to be increased.
9. I therefore conclude the development does not conflict with either Policy 57 or Policy 61 of the Wiltshire Core Strategy which seek, with respect to the refusal reasons given, that development should respond positively to the existing townscape and landscape features and provided with safe access to the highway. I find no conflict with the relevant policies of the development plan, and consequently, having regard to all matters raised and for the reasons given, the appeal succeeds subject to the usual timing and plans condition.

Andrew Boughton

INSPECTOR