



# Appeal Decision

Site visit made on 6 September 2022

**by A J Sutton BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2022**

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**Appeal Ref: APP/B1605/D/22/3301607**

**Fairmount, Fairmount Road, Cheltenham, Gloucestershire GL51 7AQ**

- 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 Joe Bate-Williams against the decision of Cheltenham Borough Council.
  - The application Ref 21/02466/FUL, dated 3 November 2021, was refused by notice dated 13 April 2022.
  - The development is described as 'Fencing around property and garden design.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. There was a high wooden fence at the front boundary of Fairmount when I visited the property, but the gates did not appear to be in place and the entrance was open.

## Main Issue

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

## Reasons

4. The appeal property is a large semi-detached dwelling in a street of similarly large dwellings. Properties in the street appear of different eras with variation in architectural style. However, coherency in the built form is derived from consistency in layout, with dwellings set back from the road and front boundaries abutting the highway. There is variation in these front boundaries. But I saw that the boundaries were predominantly a mix of relatively low walls/hard landscaping, mature vegetation and in some instances, railings, which in combination made for an attractive suburban street scene.
5. The high wooden fence at the appeal property extends along the full length of the front of its sizeable plot. Its expansive form is only broken by the entrance, and this would be filled by a large set of gates only a little shorter in height than the fence. Although there are gaps between the horizontal slates these are extremely narrow and the street facing side of the fence is not divided by posts or piers. Consequently, the uninterrupted, relatively solid expanse of wood lacks visual interest from this aspect. This combined with its substantial height, with minimal variation, results in an incongruous and dominating

feature which fails to respect or complement the appearance of the wider street scene.

6. The singular appearance of the fence would be softened by plants and trees. However, I saw no space between the fence and pavement to accommodate such features, so these would be set within the property and consequently only visible above the high fence. An alternative colour choice may render its appearance less jarring. However, neither of these measures would minimise its height and expansive form when viewed from the street, and I am not satisfied that they would address the discordant effect of the boundary structure outlined above. The weathering process overtime would not reduce either its size or its stark appearance in a street scene characterised by a combination of soft and hard landscaping.
7. Although not forming part of the original application I have considered the images of alternative gates. Whilst the designs may add to the variety of materials, they appear a similar height and solidity to the wooden gates which they would seek to replace. I am not persuaded that either option would therefore resolve the harm identified in respect to height variation, visual interest, and the resultant discordancy with surrounding front boundaries. These alternatives would not therefore lead me to a different outcome in this case.
8. Panel fences at the junction of the road provide privacy for rear gardens at the side boundaries of dwellings addressing neighbouring roads. In this manner they are seen as being distinctly different from the front boundaries of properties in Fairmont Road and do not form an integral part of the Road's character for this reason.
9. In Fairmont Road, I saw that fence panels either formed only a short section of a property's front boundary or, as in the case of Glenwood, bind a relatively narrow plot. Although that neighbouring fence is a similar height to this development, the gate in that instance is significantly lower than its fence and has a relatively open texture. Therefore, the examples are not directly comparable to this development. In any event these are exceptions in the road and have not altered my view on the development before me for this reason.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. In this regard it would conflict with Policies D1 and SL1 of the Cheltenham Plan and Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which collectively seek high-quality development, and state that development will be permitted where, amongst other matters, it complements and respects neighbouring development and the character of the locality. It would also be inconsistent with the National Planning Policy Framework which seeks well-designed places.

### **Other Matters**

11. The appellant could lower the fence to the height allowed under permitted development rights and paint it a striking colour. Be this as it may, such a fence is unlikely to address the appellant's concerns regarding safety. Alternatively, a higher fence could be stepped in from the highway and this would be uncharacteristic of the area. Whilst these are theoretical possibilities, I see nothing before me to lead me to believe that the appellant would take

either course of action if I were to dismiss this appeal. I attach limited weight to these matters accordingly.

12. The costs incurred in carrying out the development prior to securing the permission and which may be at risk as a result of this decision is a matter outside this appeal. However, in reaching this decision, I have taken account of the appellant's concerns regarding their personal safety, criminal activity in the area, and the safety and security of their pet.
13. Reviewing the evidence, I am not convinced that permitted development rights and this harmful development are the only means open to the appellant to secure the property and provide confidence with regards personal safety and the security of the pet. Indeed, correspondence submitted show the willingness of the main parties to agree a potentially cost effective and less harmful solution which could address the appellant's needs. With this in mind, the health and safety of the appellant would not be unreasonably compromised, nor would they be unduly disadvantaged, if I were not to allow this harmful development. These matters have not been persuasive in this case for this reason.
14. It is an expectation with all development that it should not harm the living conditions of residents and highway safety, and these are therefore neutral factors. The appellant's design preference is noted as is the support from neighbours and the Cheltenham Mayor/Ward Councillor. However, neighbours change, and future residents may have a different opinion. In reaching my decision I must consider the wider interest and this matter alone does not provide justification to permit harmful development which would conflict with policies of the development plan.

### **Conclusion**

15. For the reasons stated above and having regard to the development plan taken as a whole and all relevant material considerations, the appeal is dismissed.

*A J Sutton*

INSPECTOR