
Appeal Decision

Site visit made on 5 June 2025 by Mr F Bradford BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/B1605/D/25/3363304

44 Springfield Close, The Reddings, Cheltenham, Gloucestershire, GL51 6SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Gina Newman against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00828/FUL.
 - The development proposed is the erection of a 1 metre high fence to the side boundaries of the front garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. As noted from the appeal documentation and what I have observed on site, a fence has been constructed at the appeal site. Notwithstanding this, I have determined the appeal on the basis of the submitted drawings which accompanied planning application 24/00828/FUL.
4. I have revised the description of development in line with the council's decision notice in order to accurately reflect the extents of the scheme.

Main Issue

5. The main issue with the development is its effect on the character and appearance of the area.

Reasons for the Recommendation

6. Springfield Close benefits from an open and spacious character and appearance. This is achieved through dwellings being set back from the highway and a notable scarcity of boundary treatments.
7. The appeal site is located toward the end of Springfield Close and comprises an end-of-terrace dwelling with front and rear gardens. The front gardens of the properties within the terrace are not separated by any boundary treatments. The appeal property makes a particular positive contribution to the front gardens of the terrace as it allows for long views across the terrace's uninterrupted grassed area.

8. Even with its reduced scale and partial replacement by hedging, the development would be discordant to the immediate context. Although relatively modest in height, the fence would appear visually prominent due to its overall design which results in an incongruous, alien addition to its context. Furthermore, the two-sided enclosure of the front garden would restrict views across the otherwise open gardens of the terrace.
9. I do acknowledge that by virtue of the appeal site's location, that whilst the development would cause harm to the character and appearance of the area, this would be limited to the area of Springfield Close within the immediate context of the appeal dwelling. Nevertheless, the proposed development would result in harm to the open and spacious character of the cul-de-sac. Whilst I have noted the conclusions of the Inspector in relation to a previous appeal at this site, I have assessed this proposal on its own merits.
10. For these reasons, I find harm to the character and appearance of the area and the proposal would therefore conflict with the development plan with specific regard to policies D1 (Design) of the Cheltenham Plan (2020) which, among other things, aims to ensure that development complements and respects the character of the locality; and SD4 (Design Requirements) of the Joint Core Strategy (2017) which, among other things, aims to ensure that new development responds positively to, and respects, the character of the site and its surroundings.
11. The appellant has noted that there are other fences within the area that block the views of properties or are in a state of disrepair. I have not been provided with examples of these. I did however observe on my visit that whilst there are other fences that are taller, they are not located forward of the principal elevations of dwellings and as such do not form a basis for comparison.

Other Matters

12. I have considered the circumstances of the appellant and recognise their motivations for the development. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 (the Act), which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
13. The Act sets out the relevant protected characteristics which includes disability. However, it does not follow from the PSED that the appeal should succeed, and I am also mindful that personal circumstances and ownership of the land can change, but the effect of the development would be permanent. Furthermore, there is no evidence before me to indicate that the effects of the development in relation to the appellant could not be achieved through means without the harm identified above. Informed by the evidence before me, in my view the adverse effects of dismissing the appeal on those with protected characteristics would be proportionate having regard to the harm identified to the character and appearance of the area.
14. I acknowledge the appellant's frustration with the Council's communication and the way in which it handled the planning application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

Conclusion and Recommendation

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

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR