



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13th January 2021

Appeal Decision

Site visit made on 05/01/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13th January 2021

Appeal Ref: APP/E6840/D/20/3263382

Site address: 30 Maple Avenue, Bulwark, Chepstow, NP16 5RG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Samantha Hewitt against the decision of Monmouthshire County Council.
- The application Ref: DM/2020/01062 dated 3 August 2020, was refused by notice dated 26 October 2020.
- The development proposed is described as follows: "We would like to move our boundary wall to include the plot of land to the left of our property as you look at the house from Maple Avenue, which is owned by us. We propose to remove the existing wall and erect a wooden fence of more than 1 meter but less than 2 meters in height along the far left hand side of our land, which would enclose the land from our rear boundary as far forward as the front wall of the house. We propose to erect a small fence of less than 0.5 meters in height around remaining of the land to prevent the public having direct access to our garden but ensuring vision is maintained at the T-junction between Maple Avenue and Orchard Avenue. The rationale for wanting to erect the new fence is that members of the public frequently (at least weekly) allow their dogs to defecate on our garden and do not clear this up. Local teenagers have at times used the land as a public space in the evening, running around on the land, shouting and screaming and throwing balls against our external wall of our house which has woken our 2 small children. Also, we have had an incidence of fly tipping, where a member of the public left waste on our land which the local authority removed as an incident of fly tipping. The land, when enclosed would be used for our private garden. We intend to leave the majority laid to lawn and put up a shed for our personal / domestic use. We would also like to put a window in our upstairs bathroom. The bathroom is located on the external wall of the property which is adjacent to the land detailed above on the Orchard Avenue side. The bathroom is sandwiched between the front bedroom and rear bedroom. The bathroom currently has no window and consequently suffers from no natural light and inadequate ventilation. The window would be made from UPVC double glazing, be no greater than 3ft tall X 4ft wide, would have an opening and be made from opaque glass. There are 2 existing trees on the land - these will be maintained and unaffected by the moving of the wall. The property currently has 2 off road / driveway parking spaces. These will be unaffected by the moving of the wall."

Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the

development comprises the demolition of a wall and erection of fences. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to an end-of-terrace property occupying a position of relative prominence at the corner of Maple and Orchard Avenues. The immediate vicinity comprises dwellings of similar form, bounded by modest front, rear and side gardens.
5. A flat lawned strip accommodating two trees marks the appeal site's side boundary. The rear of this strip is marked by the property's driveway, the dwelling's flank wall, and a brick wall of moderate height which wraps around the rear garden. On the opposite side of the road junction, the dwelling and open, landscaped side boundary at No. 29 mirror those of the appeal site. Collectively Nos. 29 and 30 positively mark the entrance to Orchard Avenue, affording the junction a coherent and open appearance which contributes positively to the immediate area's sense of place.
6. The proposed fence abutting the Orchard Avenue footway would extend for a considerable distance from the dwelling's front elevation to the property's rear boundary. The exact height and solidity of this fence is not specified. Whilst such details could be secured via condition, I note that the fence would replace an existing brick wall of around eye height. In order to obtain adequate privacy to the property's rear and within the extended side garden, I consider it reasonable to assume that the appellant would intend for the fence, for most of its length along Orchard Avenue, to be of similar height to the wall and predominantly solid in form.
7. That being the case, the considerable length of the proposed timber fence would present a visually impermeable barrier which would enclose the property from the footway, fundamentally detracting from the existing open character of this part of Orchard Avenue. The appearance of the fence as an austere and incongruous part of the street scene would be augmented by the corner plot siting and the evident contrast with the landscaped side boundary at No. 29. As the fence would be sited to the rear of the footway, there would be little opportunity to use boundary planting to soften its appearance, as I saw has been employed at other properties nearby.
8. I accept that boundary fences are prevalent within the wider area and my attention has been drawn to several, which I saw on my site visit. In my opinion these cited examples are not directly comparable to the appeal proposal, many fences being significantly shorter in length to that proposed and/or not sited directly adjacent to footways. Whilst some examples relate to corner plots, the immediate context of these nonetheless differs to the appeal site as they do not feature dwellings and landscaping of similar appearance on both sides of the junction. Moreover, in my opinion, where visually impermeable fences have been installed adjacent to footways, these do not set a desirable design precedent or contribute positively to the character of the area. I therefore afford these other examples limited weight and have proceeded to determine the appeal proposal based on its own merits.
9. The modest height and visual permeability of the proposed picket fence towards the front of the property would retain the open appearance of the northwest corner of the appeal site and would be acceptable as a result. However, it would not be logical to erect this picket fence independently of the higher fence proposed to the property's side and rear. I therefore consider the picket fence to be a holistic element of the

appeal scheme which is not easily severable from the other elements proposed. Consequently, and for the reasons given above, I conclude that the proposal as a whole would not accord with the objectives of policy DES1 of the Monmouthshire Local Development Plan, which amongst other things requires development proposals to contribute towards sense of place and to respect the existing form, siting and layout of its setting. I therefore conclude that the appeal should be dismissed.

10. In reaching my decision I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision would contribute towards the objective of building healthier communities and better environments.

Paul Selby

INSPECTOR