

Appeal Decision

Site visit made on 12 January 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th January 2017

Appeal Ref: APP/R2330/D/16/3160707

2 Beech Close, Rishton BB1 4HL

- 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 George Bentham against the decision of Hyndburn Borough Council.
 - The application Ref 11/16/0292, dated 21 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is described as the erection of a 6ft tall wooden fence around the boundary of the garden of my property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence has already been erected.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site comprises a semi-detached dwelling which is positioned on a corner plot at the junction of Beech Close and Walmsley Avenue. It is located within an established housing estate.
 5. The appeal proposal relates to the erection of a close boarded timber fence alongside Walmsley Avenue which encloses the rear/side garden to the property. The wooden fence is about two metres in height, but has been built on top of an existing concrete panelled retaining wall which is approximately one metre in height. Consequently, when viewed from Walmsley Avenue the fence is about three metres in height from pavement level. When viewed from within the appellant's garden, the fence is some two metres in height. This is because the garden is at a level which abuts the top of the concrete panelled retaining wall.
 6. There is some consistency to the boundary treatment detailing of the corner plots within this part of the housing estate. The vast majority of the corner plots have mainly evergreen hedges (for example Elm Close and Cedar Close) rather than fences around the side and rear gardens. This form of boundary
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treatment ensures that the corner plots have pleasant, green and soft boundaries. This adds positively to the character and appearance of the area.

7. In contrast to the above, the appeal fence is very high and harsh when viewed from the main road and, overall, I consider that it has a very dominating impact. This adverse impact is compounded by the fact that, owing to its colour and material, it significantly detracts from the softer and greener form of boundary treatment which can be viewed within the immediate environment.
8. For the collective reasons above, I conclude that the fence causes significant harm to the character and appearance of the area. Therefore, it would not accord with the design and environmental aims of saved Policy E10 of the Hyndburn Borough Local Plan 1996; Policies Env4, Env6 and Env 7 of the Hyndburn Core Strategy 2012 and the Hyndburn "Householder Design Guide" Supplementary Planning Document 2009.

Other matters

9. I acknowledge that there is a level difference between the pavement and the appellant's garden. I can therefore understand why the appellant has opted for a three metre high fence. A lower fence would not give the same level of privacy when using the garden (including the timber decked area) or when the occupiers are using the dining room. However, I can see no reason why it would not be possible for the appellant to opt for a quick growing evergreen hedge (with for example concealed netting to keep pets in) along the boundary with Walmsley Avenue. This would address issues relating to privacy (or dogs jumping into the road), whilst at the same time also ensuring that material harm was not caused to the character and appearance of the area.
10. Whilst it may be possible to plant some additional shrubbery/planting in the soil gap between the fence and the highway, such a gap is very small and, in any event, I am not persuaded that any such planting would adequately screen the entire fence. Consequently, neither the need for privacy, nor the possibility of additional planting, outweighs my overall conclusion on the main issue.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR