

Appeal Decision

Site visit made on 4 January 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 30th January 2017

Appeal Ref: APP/W4325/D/16/3162741

2 The Glen, Bromborough, Wirral CH63 9AL

- 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 Jackie Fisher against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00812, dated 6 June 2016, was refused by notice dated 7 October 2016.
 - The development proposed is described as 'We have a 1 meter high timber fence (20 years old) alongside our garden which forms the boundary with Kinglass Road. We would like to replace the existing fence with a 2.2 meter timber fence to maintain our privacy as the conifer trees above the fence are thinning and we would like to remove them in the future altogether.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed fence on the street scene.

Reasons

3. The estate of detached dwellings has been designed to be open plan. Properties front onto the estate roads with their unenclosed lawned and planted front gardens combining with areas of landscaped open space to give the street scene a spacious feel.
 4. The appeal property is one of a small number of houses at junctions that have their back gardens adjacent to the estate roads. The gardens at Nos. 1 and 24 Tanar Close are enclosed by 1.8m high brick walls which are set back behind grass strips 1m or so wide. I also noted brick walls enclosing private amenity space at Nos. 12 and 29 Kinglass Road set back behind grassed areas. It would seem to me that these enclosures have been designed as an appropriate solution to providing private garden space without significantly compromising the open plan street scene.
 5. In contrast the 2.2m high fence immediately next to the pavement at the appeal site would be significantly at odds with the spacious street scene. The hard edge, running for some 20m in length on the inside of a gentle bend on the main estate avenue of Kinglass Road, would be particularly conspicuous and incongruous.
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6. The new fence would replace the existing 1.2m fence which abuts the pavement. There is also an indication that the tall dense line of conifers immediately behind the existing fence would eventually be removed. As such the new fence would replace forms of enclosure that are also out of keeping with the street scene. However, because the new fence would be significantly higher than the existing fence it would be more damaging than the development that it would replace.
7. I acknowledge that there is a need to continue to enclose the rear garden for security and privacy reasons. However, there are more sympathetic means by which the majority of the rear garden could be enclosed as illustrated by the examples elsewhere on the estate. An alternative solution would be likely to require the removal of the conifers but this appears to be the intention in the longer term in any event. The fence could be maintained regularly but this would not alter the fact that its height and siting would be inappropriate.
8. Therefore, I conclude that the proposed fence would have an unacceptable impact on the street scene. Policy HS11 of the Wirral Unitary Development Plan (adopted February 2000) relates to house extensions and therefore does not appear to be relevant but the proposal would not take the opportunity to improve the character and quality of the estate so would conflict with the National Planning Policy Framework.
9. For the above reasons the appeal should be dismissed.

Mark Dakeyne

INSPECTOR