
Appeal Decision

Site visit made on 24 January 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/R0660/D/16/3162980

Boggins Hill, Bennetts Lane, Bosley SK11 0NY

- 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 Bryan Grinham against the decision of Cheshire East Council.
 - The application Ref 16/3114M, dated 25 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is *"erection of a 2m high wooden acoustic fence. It is proposed to be double sided vertical feather boards containing an acoustic matting. The posts would be wooden, concreted into the ground at a depth of 600mm. The finish would be a dull green oil preservation compound"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been amended in subsequent documents. The description of development provided by the appeal form is more concise, therefore I adopt it accordingly.

Main Issue

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

Reasons

4. The appeal site forms part of a small settlement consisting of houses and farmsteads surrounding by countryside and is identified in the Macclesfield Borough Local Plan (MLP), adopted January 2004, as Countryside Beyond the Green Belt and an Area of Special County Value. The site consists of a two storey detached house located to the southern side of the junction of Bennetts Lane and the A523 that runs along the western boundary. The existing house has a substantial garden to the side and rear and is located on land levels which are considerably lower than Bennetts Lane and the A523. The overall site and its associated boundaries have a gentle slope in a southern direction.
 5. The site is currently enclosed by trees and hedgerows of varying height and density. The existing boundary treatment immediately adjoining the A523 consists of a low hedgerow with some supplementary sections of iron railings that have been damaged and are in poor condition. An additional tree line of more substantial height, including the presence of non-deciduous species, is
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set further back and planted on downward sloping land adjoining the garden of the house. The tree line provides varying levels of screening of the house from the A523, which significantly reduces to the southern extent of the site where trees and hedging are less dense. When approaching from the south along the A523 and its pedestrian footway to the western side of the road, the houses on the northern side of Bennetts Lane and to the east are visible beyond Boggins Hill and open fields, due to increased land levels in those directions.

6. Saved Policies BE1 and DC1 of the MLP when taken together, amongst other things, seek development of high standards of design, and that the overall scale, height, mass and materials are sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. These policies are broadly consistent with the design aims in Section 7 of the National Planning Policy Framework (the Framework) and therefore, are attributed significant weight.
7. The development consists of a 2m high close boarded timber fence with wooden posts which would be positioned to both sides of the driveway access onto Bennetts Lane, the entire length of the side boundary with the A523 and a small section of the rear boundary. The submitted plans indicate that the fence would set back behind the existing low hedge at a distance of approximately 1.5m-2m from the highway edge of the A523, where there is no pedestrian footway.
8. The design, solid appearance and considerable length of the close boarded fence would be of an entirely different scale, form and materials to the existing boundary treatments and verdant character of the immediate surroundings. Consequently, it would contrast markedly with the soft landscaping of hedgerows, trees and grass verges, and post and rail fencing that characterise the immediate surroundings. The fence would, therefore, appear overly prominent and incongruous within the rural setting.
9. The densest sections of the tree line would provide a backdrop that would soften the appearance of the fence, to a certain degree, if it were stained a similar colour as proposed. The appellant has also indicated that the existing low hedgerow could be grown to largely shield the fence from view. However, based on my observations, a taller hedgerow adjoining the A523 could have an adverse effect upon visibility from the Bennetts Lane junction. Consequently, considerable growth of the existing hedgerow and additional planting to soften the backdrop of the fence, particularly along the southern boundaries of the site, could not be relied upon to mitigate the harmful effect of the fence.
10. For the above reasons, a condition to secure additional soft landscaping would not be a reasonable approach to overcome the harmful visual impact of the fence. A condition to require that the appeal fence be painted or stained in a particular colour would do little, on its own, to reduce the harm caused due to the substantial height, considerable length and prominent position of the fence.
11. In reaching the above findings, I have taken into account that a consultation response from the Council's landscape section suggested that the fencing would not have any significant landscape or visual impacts. I do not discount those views lightly and agree that the effect on the wider landscape would not be significant, as views of the fence would be largely confined to the highway frontages of the site. Nevertheless, the localised visual impact of the fence

would be considerable and, therefore, would significantly harm the character and appearance of the site and the surrounding countryside.

12. During my visit I observed examples of close boarded timber fences to highway frontages of some properties elsewhere along the A523 and A45, to which the appellant has also referred. However, although the examples were comparable in scale, form and prominence to the appeal fence, they were some distance from the site and in locations where a greater variety of boundary treatments are evident. In any case, examples of existing fences which I consider to have an adverse effect upon the rural character of the countryside are not a precedent which justifies the proposal before me where harm has been identified.
13. I conclude that the development would significantly harm the character and appearance of the site and the surrounding area. The proposal, therefore, would conflict with Saved Policies BE1 and DC1 of the MLP and the Framework, which emphasises the importance of high quality design and states that development should add to the overall qualities of an area.

Other Matters

14. The appellant has indicated that the purpose of the fence is to reduce the noise levels within the garden and bedrooms of the property. To support the stated benefits to the living conditions of the existing and future residents of the property, an Acoustic Barrier Assessment prepared by Cole Jarman dated 10 November 2016 has been submitted. A full methodology for noise measurements undertaken between 1400 hours on Monday 31 October and 1400 on Wednesday 8 November 2016 is included. The surveys identified that traffic noise from the A523 result in noise levels within the garden and a 1st floor bedroom at night through a partially open window, which exceed the World Health Organisation (WHO) guidelines thresholds for serious annoyance and sleep disturbance respectively as set out in BS 8233:2014¹. The Council has provided no contrary evidence and I have no reason to take a different view. I experienced significant levels of traffic noise associated with the A523 during my visit to the site.
15. With regard to the above, the proposal would have a positive effect on the living conditions of occupiers of Boggins Hill, taking account of Noise Policy Statement for England and Planning Practice Guidance² which seek to reduce the impact of noise from the local environment; including through noise barriers. However, the evidence indicates that whilst the noise levels within the garden and 1st floor bedroom at night would be reduced by the proposed fence, the WHO guideline thresholds would still be exceeded. In such circumstances, whilst the fence would have a beneficial effect on the living conditions of occupiers of Boggins Hill, it would not provide mitigation that would achieve the good standard of amenity for all existing and future occupants sought by the Framework. The reduction of noise levels associated to the fence and the modest benefits to the quality of life and health of residents, therefore, do not outweigh the harm otherwise identified relating to the main issue.
16. The appellant has referred to the boundary fence offering additional benefits in terms of enhancing the privacy of the property and garden for residents,

¹ BS 8233:2014 Guidance on sound insulation and noise reduction for buildings

² Noise, Paragraph: 008 Reference ID: 30-008-20140306 Revision date: 06 03 2014

together with providing an extra level of protection from vehicles travelling along the A523. In the latter respect, the appellant made reference to a recent accident in April 2016 which affected a section of the existing boundary. However, taking account of the presence of trees and hedging to the majority of the existing boundary, I consider that the benefits in these respects would be limited and therefore, would not outweigh the harm otherwise identified.

17. The proposal was not subject to objections from consultees and neighbours during the application process and the appellant has referred to letters of support having been received. Nevertheless, such matters are not decisive upon the outcome of the appeal given the harm I have identified. The living conditions of occupiers of neighbouring properties would be unaffected by the proposal. However, the absence of concern in that respect is a neutral factor which does not weigh in favour of the proposal.
18. During my visit, I observed that the existing hedging and landscaping in close proximity to the junction of Bennetts Lane and the A523, together with the alignment of the national speed limit road, currently restricts the visibility distance when looking south along the A523. The Council's highways section offered no objection to the proposal in terms of highway safety. However, it is unclear from the evidence before me, whether the response took account of the appellant's suggestion of increasing the height of the low hedgerow to provide additional screening of the fence. Nevertheless, in the particular circumstances of this case, I need not consider the matter of highway safety any further as I intend to dismiss the appeal based upon the main issue.

Conclusion

19. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR