
Appeal Decision

Site visit made on 10 April 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 26 April 2017

Appeal Ref: APP/E2734/D/17/3170898

6 Kingstonia Gardens, Ripon HG4 1TE

- 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 James Martin against the decision of Harrogate Borough Council.
 - The application Ref 16/03716/FUL dated 27 August 2016, was refused by notice dated 6 January 2017.
 - The development proposed is the retention of a fence, wood/plastic composite.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development includes the word 'retention'. However, section 55 of the Town and Country Planning Act 1990 describes 'development' as 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'. It does not refer to the word 'retention' which is not an act of development. For clarity therefore I have deleted the word 'retention' from the description of the development and amended this to read 'the erection of a fence'. I have considered the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the fence on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a mid-terraced dwelling facing onto Quarry Moor Lane with an address of 6 Kingstonia Gardens. Planning permission is sought for the fence which has already been erected along the roadside and each side boundary with the attached dwellings. The fence is about 1.8m high and comprises a plastic, composite material. It is arranged in horizontal panels, some coloured brown and others coloured black. Each elevation has two large panels and a small panel, serving as a pedestrian access gate on the roadside elevation.
 5. The statutory development plan for the area includes the Harrogate District Core Strategy which was adopted in February 2009. Policy SG4 of the Core Strategy advises that the visual, residential and general amenity of the area
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- should be protected and where possible enhanced and Policy EQ2 seeks to protect the high quality natural and built environment within the District.
6. Relevant saved policies in the Harrogate District Local Plan (HDLP) include Policy HD20 and Policy H15. Policy HD20 sets out a number of design principles that are to be met by new development. These include making a positive contribution to the spatial quality of the area and respecting local distinctiveness and the privacy and amenity of nearby residents. Policy HD20 states that development which is contrary to these design principles will not be permitted. Policy H15 applies these design principles to extensions to dwellings.
 7. The House Extensions & Garages Design Guide SPD was approved in 2005 following public consultation. I consider it attracts significant weight in decision making. Section 15 of the SPD includes a section on walls and fences. It advises that timber panel fences to boundaries with the public highway or at the edge of settlements will not be accepted. Boundary construction should reflect local tradition; this may be railings on a low wall, brick, cobble or coursed stone walls with vernacular details.
 8. At my visit I saw that Quarry Moor Road offers a variety of heights and styles of boundary definition. This is a well-used road and the fence appears as an incongruous and dominant feature which unacceptably detracts from the character and appearance of the area. The fence is prominent, stark and visually intrusive. Its intrusion stems from a combination of features including its height, plastic material, horizontal arrangement, colour and metal frame. Local residents and the Parish Council object to the proposal considering it to be unsightly and not in keeping with the character of the area. I conclude on the main issue that the proposal has an unacceptably harmful impact upon the character and appearance of the area and is in conflict with Policies SG4 and EQ2 of the Core Strategy, Policies H15 and HD20 of the HDLP and the SPD.
 9. I have taken into account all other matters raised. I appreciate that the Appellant has erected the fence for privacy and security reasons. However, I saw that the host property benefits from a rear garden which is away from the noise and activity of Quarry Moor Road and where there are reasonable levels of privacy. Reference is made to other properties within the area where it is argued that fences of the same height or taller have been erected. I do not have all the details about these properties. However, none of these developments, including 3 Kingstonia Gardens, persuaded me that the appeal proposal is appropriate in this situation. Suffice it to say that each decision must be considered on its own merits and in accordance with the provisions of the development plan and any other material considerations. I also note the comments made in relation to permitted development rights, the materials used and the Council's policies and SPD. However, I conclude that the proposal is in overall conflict with the development plan and the SPD guidance for the reasons set out above. Planning conditions would not overcome the objections I have described. None of the points raised are sufficient to outweigh this conflict. The proposal does not constitute sustainable development. My overall conclusion is that the appeal should be dismissed.

Harold Stephens

INSPECTOR