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## Appeal Decision

Site visit made on 6 June 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 15<sup>th</sup> June 2017**

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**Appeal Ref: APP/A0665/D/17/3171071**

**21 Berry Drive, Great Sutton, Ellesmere Port CH66 4JJ**

- 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 Leonard Barry against the decision of Cheshire West & Chester Council.
  - The application Ref 16/04766/FUL, dated 21 October 2016, was refused by notice dated 14 December 2016.
  - The development is replacement fencing.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the development description used in the Council's decision notice, for purposes of clarity. This description was also used by the appellant on the appeal form.

### Main Issue

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

### Reasons

4. The appeal site is located on the corner of Berry Drive and Berry Close, with the house orientated towards Berry Drive. The fence extends along the Berry Close boundary from the rear of the site as far forward as the front elevation of the house. The fence then turns in from the boundary to abut the house. The fence is of a height of 1.9 metres and comprises of continuous solid wood panels that are laid horizontally, with a gate set into the panels. The fence encloses part of the side and rear garden area of the site, and is most visible from Berry Close.
  5. The majority of properties on Berry Close maintain an open frontage or utilise a softer form of enclosure through use of hedgerows, and this adds appreciably to the character of the streetscene. In contrast, the fence is highly prominent due to its solid form, height and positioning, which also results in a stark appearance when viewed from Berry Close. The gate simply replicates the appearance of the fence and adds to the overall uncompromising nature of the
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- design. Overall, the fence appears out of keeping and fails to respect local character.
6. Altering the colour finish of the fence to a darker shade, or through the natural effects of weathering, would not substantially reduce the effect on the streetscene because of its form, height and positioning. Re-siting the fence further back would substantially alter the development and it would not be reasonable for this to be imposed through this decision.
  7. The previous fence was of 'hit and miss' design and of a less solid form than the current fence. Based on information provided by the appellant and in the Officers' Report, there also appeared to be considerably more planting on the site at that time, which may have lessened the visual appearance of the fence, and this has now been removed. Its hit-and-miss form allowed vegetation to grow through it, softening its appearance. Nevertheless, I have determined this appeal on the basis of the fence before me.
  8. I acknowledge that as the site is a corner plot, privacy and security can be a concern. The need for boundary treatment, however, needs to be addressed sympathetically because the site is prominent and sensitive in terms of its effects on the streetscene. Although the fence only extends on part of the perimeter of the site, the absence of the fence on other site boundaries does not diminish its failure to respect local character, when viewed from Berry Close.
  9. The fences at 56 Berry Drive and 1 Cumberland Grove use detailing through posts and fence panelling to lessen their appearance. They are also set back by wide grass verges, between the site boundaries and roadways. The boundary treatments at 16 and 17 Mark Avenue utilise hedgerows to soften the appearance of their fences. Both these plots are also less prominent due to the configuration of the Mark Avenue and Berry Drive junction with grassed corner areas. None of these fences are viewed within the same streetscene as the appeal site. I am satisfied that other fences in the area, including those which the appellant has drawn my attention to, are sufficiently different to the fence subject of this appeal in respect of character and appearance, and as such they do not alter my views.
  10. I therefore conclude the fence is unduly harmful to the character and appearance the area. As such, it does not comply with Policy ENV 6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (2015) and 'Saved' Policy GEN1 of the Ellesmere Port and Neston Borough Local Plan (2002) which promote high quality design, respect local character and require development to be appropriate to the characteristics of the site, in terms of layout and design.

### **Conclusion**

11. I conclude the appeal should be dismissed.

*Darren Hendley*

INSPECTOR