
Appeal Decision

Site visit made on 5 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/M9496/W/17/3170910

Turnpike House, Macclesfield Road, Kettleshulme, SK23 7QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Kevin Heathcote against the decision of Peak District National Park Authority.
 - The application Ref NP/CEC/1016/1008, dated 10 October 2016, was approved on 13 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is to erect a wooden feather board landscaping fence within the boundary of the property.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - (2) *The development shall be carried out only in complete accordance with revised plan 681/HE-101B, subject to the following amendment;*
 - i) *The sections of fencing and the fence posts shown on Elevation B of 681/HE-101B and those sections of fencing and the fence posts fronting the site behind the front boundary wall shown on General Arrangement Plan of 681/HE-101B shall be omitted in their entirety.*
 - (3) *The fence panels shall be capable of removal by hand from between the fence posts without the need for tools or additional dismantling.*
 - The reason given for the conditions are:
 - (2) *To minimise the impact of the development on the character and appearance of the Conservation Area.*
 - (3) *For maintenance access in the interests neighbouring amenity.*
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Decision

1. The appeal is allowed and the planning permission Ref NP/CEC/1016/1008 to erect a wooden feather board landscaping fence within the boundary of the property at Turnpike House, Macclesfield Road, Kettleshulme, SK23 7QU granted on 13 December 2016 by Peak District National Park Authority, is varied by deleting conditions Nos 2 and 3 and substituting for them the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 681/HE-101B; Site Plan; Block Plan.

Background and Main Issue

2. Planning permission has been granted for the construction of a wooden feather board landscaping fence. The appeal seeks permission to carry out the development without complying with conditions Nos 2 and 3. Condition No 2 omits part of the fence from the approval. Condition 3 requires that the fence panels are capable of removal by hand without the need for tools or additional dismantling.

3. The main issues are, firstly, whether varying condition No 2 would preserve or enhance the character or appearance of the Kettleshulme Conservation Area and, secondly, the effect of deleting condition No 3 on the living conditions of the occupiers of Side End Cottage with regard to the ability to maintain that property.

Reasons

Conservation area

4. The appeal property is located within the Kettleshulme Conservation Area. This incorporates the historic village of Kettleshulme and surrounding areas of open land on its periphery. The majority of the buildings in the core of the village are attractive stone fronted properties in a vernacular style. The Conservation Area Appraisal identifies the appeal site as falling within the Central Kettleshulme Character Area. This area is centred on the main road through the village and includes 2 pubs, a village hall, and a primary school (which is adjacent to the appeal property). In this area, small gardens are generally bounded by stone walls that serve as strong curtilage boundaries.
5. The appeal property is positioned close to the junction between Macclesfield Road and Side End Lane. It has a close relationship with Side End Cottage, and the appeal fence would skirt around the edge of that property. The section of fencing that was omitted under condition No 2 would be visible from the street, including to traffic and pedestrians travelling from the north. However it would be low in height and would be set back from the road frontage. Whilst it would be constructed of wood, the appeal property already has similar wooden fencing along its northern boundary and 2 wooden gates across its frontage. The proposed fencing would not look out of place in this context. The requirement for the fence to be stained with Cuprinol 'Woodland Mink' wood stain, or an equivalent colour (condition No 4), would also ensure a recessive finish. Any visual impact associated with the fence would therefore be limited, and it would not be out of keeping with the surrounding area. The close relationship between the fence and Side End Cottage would also not be unduly prominent or visual harmful in my view.
6. For the above reasons, I conclude that varying condition No 2 would preserve the character and appearance of the Stoney Middleton Conservation Area. It would therefore accord with saved Policy LC5 of the Peak District Local Plan (2001). The variation would also be consistent with guidance in the Framework relating to designated heritage assets.

Living conditions

7. Condition No 3 requires that the fence panels are capable of removal by hand from between the fence posts without the need for tools or additional dismantling. This is to allow for ease of access to maintain the side and rear of Side End Cottage. However, the appeal property is in a relatively exposed upland location that experiences strong winds. Accordingly, unattached fence panels would lead to heavy rattling that would result in noise and disturbance to both properties. Moreover, the removal of a small number of screws is not a significant barrier to access for maintenance. In this regard, I note that the fence has a post and panel design that would allow for the removal of one or more panels to facilitate access.

8. Side End Cottage is currently experiencing damp problems, and photographs of the interior of the property have been submitted to corroborate this. The damp may have contributed to health problems that the current occupiers are experiencing. I have sympathy with this situation, and it is clearly a matter of some importance. However, from the evidence before me, it is not clear that the additional section of fencing would significantly affect the drying out of the wall behind it. The fence would be relatively low in height and a gap would remain that would allow air to circulate behind. This reduces the weight I can attach to the occupiers of Side End Cottage's personal circumstances in this case. With regard to the human rights implications of the development, allowing the appeal would be a proportionate response.
9. For the above reasons, I conclude that condition No 3 is not necessary in order to protect the living conditions of the occupiers of Side End Cottage with regard to the ability to maintain that property.

Other Matters

10. There is a dispute between the appellant and the occupier of Side End Cottage regarding ownership of the land on which the fence is located. However, this is a civil matter between the parties, and not something I am able to comment upon.
11. The fencing that was previously subject to enforcement action has now been removed. The appeal fencing would not restrict the amount of natural light to the window in the northern elevation of Side End Cottage.
12. The section of fencing that is subject to condition No 2 is not in close proximity to the AGA flue to Side End Cottage.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by substituting condition No 2 and deleting condition No 3.

Thomas Hatfield

INSPECTOR