



Appeal Decision

Site visit made on 11 December 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/M2325/D/17/3183723

5 Brompton Close, Lytham St Anne's, Lancashire FY8 4QP

- 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 William Crabtree against the decision of Fylde Borough Council.
 - The application Ref 17/0261, dated 28 March 2017, was refused by notice dated 22 June 2017.
 - The development proposed is the erection of a 1.85m high boundary fence to side of pebbled wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the detailed description of the development given on the application form. The more concise description used in the banner heading above, is taken from the decision notice. The fence has already been erected on the site, and I have determined the appeal on that basis.
3. The appellant has questioned whether the boundary fence requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to the Council to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

4. The main issue in the appeal is the effect of the fence on the character and appearance of the area, having particular regard to whether the setting of the Grade II Listed Lytham Hall estate boundary wall has been preserved.

Reasons

5. The rear boundary of the appeal property, which lies on Blackpool Road, is formed by part of what was formerly the boundary wall to the Lytham Hall Estate. This cobblestone wall runs for a considerable distance along this side of Blackpool Road, with just some interruptions where accesses to various developments have been created. The wall is a distinctive feature that makes a significant contribution to the character of the area, as well as being of historical and architectural significance, as shown by it being a listed structure.

6. The close boarded timber fence has been erected immediately to the rear of the wall and projects above it. Its modern materials and suburban appearance contrast with, and detract significantly from, the adjacent boundary wall. As such, it is harmful to the setting of this listed structure. In addition, it sits very uneasily within the street scene. Its height, and the materials in particular, fail to respect the prevailing character of the area, and its location in part of a long uninterrupted and straight stretch of the wall means that it has a particularly harmful visual impact. Consequently, it is overly dominant in its setting, and appears as an incongruous and discordant feature that does not integrate appropriately with its surroundings.
7. The fence may have improved the privacy of the garden, but I observed that many of the other properties have achieved this through the use of vegetation which does not have the same detrimental impact on the setting of the wall, or the character and appearance of the area. It has been suggested that the fence would provide a framework for climbing shrubs and that in time it would not be visible. However, even if some shrubs have already been planted, it may be many years before they cover the fence. Moreover, given this is a private garden, I am not persuaded that a condition to ensure the maintenance and retention of any such planting in perpetuity would be reasonable.
8. In support of the appeal my attention has been drawn to various other fences on properties in the area. However, I saw that high boundary treatments adjacent to the pavement were very much in the minority in the locality. I do not know the full circumstances of these cases but some of the examples are not adjacent to the listed wall and so do not represent a direct parallel to the appeal scheme. In addition, I observed that one of the fences, that the Council had indicated had been refused planning permission, has now been removed. In any event, those I saw confirmed that inappropriate boundary treatments are detrimental to the character and appearance of the area, and so do not set a precedent that should be followed.
9. Having regard to paragraph 134 of the *National Planning Policy Framework* (the Framework), the harm caused to the setting of the listed wall would be less than substantial but there are no public benefits that outweigh the harm caused.
10. Overall, I consider that the fence would unacceptably harm the character and appearance of the area, and would not comply with the statutory duty to have special regard to the desirability of preserving the setting of a listed building. Accordingly the appeal scheme would conflict with guidance in the Framework and to Policies EP4 and HL5 of the *Fylde Borough Local Plan (adopted October 2005)* which seek to ensure that developments do not prejudice the setting of a listed building, and that they do not adversely affect the street scene.
11. The appellant has questioned the relevance of these policies to the appeal scheme. However, Policy EP4 relates to development that affects a listed building or its setting, and although the appeal scheme is not an extension to the house, Policy HL5 indicates that it also relates to other forms of development within the curtilage of a dwelling, which would include boundary fences. Therefore, both these policies are relevant in determining the appeal.

Other matters

12. The appellant has raised concerns with the Council's handling of the application, in particular that it was not determined within the prescribed timescale, and that the decision notice was sent to the wrong email address. However, these are matters that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case. In addition, whether the Council has taken enforcement action over other fences in the locality is not a matter that is before me in this appeal.

Conclusion

13. For the reason set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR