



Appeal Decision

Site visit made on 8 October 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/Z4718/D/19/3234772
78a Westgate, Cleckheaton, BD19 5HH

- 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 Luke Clough against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/93517/E, dated 5 October 2017, was refused by notice dated 11 July 2019.
 - The development proposed is described as securing a 1.5 Metre fence on-top of the Coping stones of the dry-stone wall running along the boundary wall at the front of the property and fitting a gate in place with a post box so no access required.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The application that led to this appeal is retrospective. The main issue is the effect of the fence on the character and appearance of the street scene, and linked to that, whether the proposal compromises security.

Reasons for the Recommendation

4. No. 78a is a two-storey semi-detached dwelling. The property and garden sit higher than the highway. In the street scene there are commercial uses and residential properties; a range of boundary treatments are present which includes fencing, hedging and walls. The Council state the front boundary previously consisted of a number of established shrubs with open views into the front garden area, this is not disputed by the appellant.
5. The solid timber fence runs along the front boundary of the site and sits above the boundary wall. The fence appears in stark contrast to the adjoining boundary treatment. Due to the fence's solid design, height, length and siting in a prominent location it has a harmful impact upon the street scene as it appears as a dominant and incongruous feature. The applicant states they intend to treat the fence and add hanging baskets, although this would improve the appearance of the fence it would not overcome the harm identified.

6. Whilst the fence might reduce natural surveillance there is nothing before me to indicate that it has, or would, compromise the security of the property. The first-floor windows of no. 78a overlook the garden and Westgate, additionally there are a number of properties which have windows facing the dwelling. The appellant considers the fence improves security and safety, prevents litter, help confine their pet dog and deter people from sitting on the wall. Nonetheless, the development has a visually harmful effect upon the quality of the street scene given the location of the fence. These considerations do not justify visually harmful development.
7. The appellant states they will erect the fence behind the boundary wall if the appeal is dismissed. Be that as it may, even if there is a realistic prospect of a fence being erected under permitted development rights, the appeal fence has a harmful effect upon the street scene.
8. For these reasons, the development has an unacceptable visual effect on the character and appearance of the street scene. Consequently, it conflicts with Policies LP2 and LP24 of the Kirklees Local Plan Strategy and Policies (2019) and the National Planning Policy Framework.

Conclusion and Recommendation

9. On the available evidence the fence does not compromise the security of the property. However, the development has a significant adverse visual effect on the character and appearance of the street scene to which I attach significant weight. For the reasons given above, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR