
Appeal Decision

Site visit made on 4 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/M2325/W/19/3235960

43 Trent Street, Lytham St Annes, Lytham, Lancashire FY8 5DE

- 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 Kai Zhang against the decision of Fylde Borough Council.
 - The application Ref: 19/0408, dated 17 May 2019, was refused by notice dated 12 July 2019.
 - The development was originally described as a “fence development over 1 metre in height.”
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence development which is currently on the appeal site is formed of a stained timber arched arrangement that is set behind a low wall. The Council has stated this is not what was the subject of its decision and not what was on the site at the time of the planning application, which it says constituted a 1.75 metre (m) high close boarded fence. From the photographic evidence that has been submitted, this was also set behind the low wall. In the interests of fairness, the appellant’s views were sought on this matter.
3. Based on the evidence before me and being mindful that it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested parties views were sought at that time, I have based my decision on the fence that was before the Council. This would not prejudice the appellant from making a further planning application for the fence that is now on the site, nor the Council in dealing with such an application.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property comprises a hot food takeaway which incorporates residential accommodation. It contains a large single storey rear extension, as well as plant and equipment related to the takeaway use. It is found in a prominent location on the corner of Trent Street with Victoria Street. The area

- to the side of the property, which falls within the site and abuts the Trent Street frontage, forms the outdoor amenity space for the residential use.
6. The prevailing form of the boundary treatment along the site frontages in the vicinity of the site consists of low brick walls. They also incorporate hedgerows and other forms of planting, and there are some examples of railings. The use of brick pillars is also much in evidence. These boundary treatments form an unobtrusive and an attractive means of enclosure that compliments the appearance of the period terrace residential properties. They also allow for pleasing and generally open views along the streets, which further adds to the local character.
 7. The close boarded timber fence would have run some distance near adjacent to the Trent Street frontage of the site. When its height and continual solid form are also considered, it would have represented an imposing form of enclosure. This would have been in contrast to the majority of other boundary treatments in the area, even with the low wall in front, and would have appeared uncomfortable in these surroundings, in particular due to its prominent location. The use of timber would have been noticeably out of place compared to the materials used in most of the boundary treatments that are found in the area.
 8. Furthermore, the fence would have restricted the open views down Trent Street and the associated sense of spaciousness. Whilst the appearance of the appeal property is not entirely typical, this would not have justified the detrimental effect on the street character caused by a close boarded fence of this prominence, height and materials.
 9. The appellant has drawn my attention to a number of other examples of fencing in the area. In relation to those that are closer to the site, they are not found in such a prominent corner plot location. In addition, some incorporate brick pillars or timber posts so that they have less of a utilitarian design, or have their appearance softened by vegetation. Where there are examples that are not in keeping, they have not altered the prevailing character to the extent that they vindicate the fence that is for my consideration. Some of the examples that are further away from the appeal site are too distant to appreciably inform its character.
 10. I am also not persuaded that less intrusive forms of enclosure could not equally provide the privacy that the appellant requires. The same applies concerning noise and the operation of the hot food takeaway, compared to the hedge that I understand was previously alongside this boundary, as well as security. As regards height requirements and whether further modifications could be made, as I have set out, my decision is based on what was before the Council at the time of its decision. Highway safety is not in dispute but this does not address my concerns over character and appearance.
 11. I conclude that the development would have had an unacceptable effect on the character and appearance of the area. As such, it would not comply with Policy GD7 h) of the Fylde Council, Fylde Local Plan To 2032 (2018) which requires that development is sympathetic to surrounding land uses and occupiers, and avoids demonstrable harm to the visual amenities of the local area. It would also not comply with the National Planning Policy Framework where it concerns achieving well-designed places.

Conclusion

12. For the reasons set out above, and having regard to all matters raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR