
Appeal Decision

Site visit made on 7 January 2020 by Hannah Ellison BSc (Hons) MSc

Decision by V Lucas LLB (Hons) MCD MRTPI

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

Decision date: 07 February 2020

Appeal Ref: APP/R0660/D/19/3241356

Roxburgh, Legh Road, Knutsford, Cheshire, WA16 8NR

- 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 Steve Kenyon against the decision of Cheshire East Council.
 - The application Ref 19/3490M, dated 23 July 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the removal of existing 1.8m high timber vertical boarder fence to Legh Road and Leycester Road. To replace with a new vertical timber boarded fence 1.8m high to Legh Road and 2.3m high to Leycester Road.
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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 main issue is whether the proposal would preserve or enhance the Legh Road Conservation Area.

Reasons

4. This appeal concerns the boundary treatment of a large corner plot on Legh Road with Leycester Road, which includes a detached dwelling set back from the highway. The site is located within the Legh Road Conservation Area (the 'CA'). The Conservation Area Appraisal (2005) highlights that the CA is notable for its prestigious, usually detached villas, that sit in generous plots with mature tree planting. It goes on to note that boundaries are usually natural with mature hedges and trees being prevalent, however low brick walls and timber fencing are also very common boundary treatments.
5. Permission is sought for a replacement timber boarded fence in a like-for-like design to the existing boundary fence. It would also be of the same height along Legh Road as the existing however it would increase in height along the Leycester Road boundary.
6. The prevailing boundary treatment in the locality comprises of dwarf walls, hedging and low timber fencing, all of which allow the mature vegetation within

each site to be seen and allow passers-by to get a sense of the large plot sizes. This contributes positively to the open and spacious character of the area. On the approach to the appeal site, along both Legh Road and Leycester Road, the existing fence appears overly dominant and it significantly restricts views through to the site. Whilst this proposal seeks a like-for-like replacement along Legh Road, due to its solid design, height and overall length the existing fence is not reflective of the boundary treatment in the locality. It is not therefore considered a good example of development to follow. Thus, given the appeal sites substantial corner location, the proposed replacement fence would read as an incongruous addition in the wider street scene and it would not be in keeping with the CA.

7. Additionally, the proposed fence would be of an increased height along Leycester Road which would further prevent views through to the large site and its vegetation. As such, this would exacerbate the harmful impact this proposal would have on the street scene and it would erode the spacious and leafy character of the CA.
8. Accordingly, I find that the proposal would neither preserve or enhance the character or appearance of the Legh Road Conservation Area. In terms of the approach set out in the National Planning Policy Framework (the Framework) the proposal would cause less than substantial harm to the Conservation Area's significance as a designated heritage asset. Paragraph 196 states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
9. It is acknowledged that the appellants seek to improve security and privacy within their site. Whilst this is appreciated, I am unconvinced that this cannot be achieved by a boundary treatment more in keeping with the area. Moreover, this is a private benefit. It is also suggested that the existing fence is in a poor state of repair. This was not evident during my site visit however, be that as it may, it does not justify the appeal proposal and does not outweigh the harm this proposal would cause to the CA. Therefore, on this basis it is not considered that there are demonstrable public benefits that would outweigh the identified harm to the significance of the CA. The Framework is clear that great weight should be attached to the asset's conservation.
10. Consequently, this proposal would be in conflict with policies SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy 2010-2030 (2017), policy BE13 of the Macclesfield Borough Local Plan (2004) and policy HE3 of the Knutsford Neighbourhood Plan 2010-2030 (2019). These policies each deal individually with matters relating to heritage assets and, whilst they vary slightly in their wording, they collectively seek to ensure developments protect, maintain or enhance heritage assets and make a positive contribution to their surroundings through high quality design.

Other Matters

11. I acknowledge the Council have not raised any concern with the effect of the proposal on trees, and the Forestry Officer notes that any pruning of existing trees that may be required can be dealt with by way of condition. Based on all I have seen and read I have no reason to reach a different conclusion. Nevertheless, this does not negate the harmful aspects of the proposal as set out above.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR