
Appeal Decision

Site visit made on 13 May 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/Q4245/D/20/3246789
97 Edge Lane, Stretford M32 8PU

- 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 Mrs S Khan against the decision of Trafford Borough Council.
 - The application Ref 99162/HHA/19, dated 24 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is partly retrospective application to remove boundary fencing overall 2.05m high and erect fencing 2.15m high on walls facing the highway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I noted during my site visit that the fence has been erected but the original fence has not been fully removed and work has not completed. It is in part retrospective and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the setting of the Union Baptist Church, a grade II listed building and the host property a non-designated heritage asset.

Reasons

4. The appeal site is a large semi-detached property located on a corner opposite the Union Baptist Church. The Council say that the appeal property dates to the late 19th century and consider the property to be a non-designated heritage asset. I agree that, the host property is an attractive period property and contributes positively to the street scene.
5. The church is a grade II listed building and in considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard must be had to the desirability of preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.

6. The church is set back from the road and has a dominant formal entrance fronting onto Edge Lane. The church has a low stone boundary wall with railings on top. When viewed together the form and appearance of the stone walling at the appeal site compliments the church walling and makes a small, but positive, contribution to its wider setting.
7. The appellant has provided evidence that the stone boundary wall at the appeal site originally also had railings. However, the fencing installed on top of the stone walling introduces a solid stark, modern form of boundary treatment which contrasts with the stone walling below and railings opposite. Even though the stone walling at the appeal site is taller than that at the church, this in my view, increases the dominance of the fence in the street due to its elevated position.
8. The fretwork at the top of the fence does soften some of the visual effects of the panels. Moreover, I recognise that the railings at the church may have been modernised however, the railings form and appearance reflect the historical form of boundary treatment. In contrast the modern form and material finish of the fence panels appears at odds with the historic grain of the host property and church.
9. I recognise that there are a variety of boundary materials in the surrounding area including, amongst other things stone walling, railings, timber fencing and planting. However, none that I saw shared similar characteristics to that proposed in terms of material finish, form or appearance on top of a historical wall or relationship with designated or non-designated heritage assets.
10. To conclude, the fence has a harmful effect on the character and appearance of the surrounding area including the setting of the Union Baptist Church, and the host property. The harmful effect from the fence to the heritage significance of the listed building and host property would be small, due to the scale of development. However, there would still be harm.
11. Paragraph 196 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Moreover, in line with paragraph 197 of the Framework, any direct or indirect effects to non-designated heritage assets need to be balanced against other factors, including the benefits of the proposal.
12. The fence increases the privacy within the garden of the host property and I understand this is of particular benefit when the church is busy. I recognise that the fence protects the garden from litter being discarded over the wall. I note the appellant's circumstances and need for a boundary that is easy to maintain. However, there is no evidence to suggest that other ways to achieve the appellant's aims have been investigated and discounted. The appellant advises that the fence is of a sustainable construction and material finish. Such sustainable benefits are supported within the Framework.
13. Although the proposal may be of benefit to the living conditions of the appellant, the benefits to the public would be small. As such, I afford these benefits limited weight within the decision and I am not persuaded that these benefits outweigh the harm to the character and appearance of the surrounding area including the setting of the Union Baptist Church, and the host property.

14. Accordingly, the proposal conflicts with the requirements of the Framework and with the requirements of Policies L7 and R1 of the Trafford Council Core Strategy (adopted 2012) which, amongst other things, say that all new development must take account of surrounding building styles, landscapes and historic distinctiveness.

Conclusion

15. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR