The Planning Inspectorate

Appeal Decision

Site visit made on 26 May 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2020

Appeal Ref: APP/A0665/D/20/3245798
49 Hayes Crescent, Frodsham, Cheshire WA6 7PQ

- 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 Jonathan Maddock against the decision of Cheshire West & Chester Council.
- The application Ref 19/01748/FUL, dated 2 May 2019, was refused by notice dated 6 November 2019.
- The development proposed is the erection of a new 1.8m high timber fence with a trellis along the position of the existing. Retention of the playhouse at the front of the property.

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.

Preliminary Matter

3. At the time of my site visit the playhouse to the front of the appeal site had been removed and I note the appellant has stated that it is no longer included within the proposal. I have determined the appeal accordingly. Additionally, a boundary fence, which I understand to be unauthorised, had been erected however this is not subject to this appeal.

Main Issue

4. The effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a corner plot located within a predominantly residential area. It includes a semi-detached dwelling with a side garden currently bound by a tall timber fence. This appeal seeks permission for a fence, with a trellis, of around 1.8m in height around almost all the perimeter of the site, to replace the existing unauthorised fence.

6. Boundary treatments in the locality comprise a mix of hedges, fencing and walls, however they are predominantly of a low height thus creating a good sense of rhythm in the street scene and open character in the locality. Whilst I acknowledge that the appellant has sought to address the problems the existing fence creates, the proposed fence would nevertheless introduce built form of a substantial height and significant length which would fail to reflect that of the prevailing boundary treatment in this area. Additionally, it would be readily apparent from the public realm due to its extent and the sites prominent corner location. As such, the proposal would read as a stark and incongruous addition to the street scene and would erode the established characteristics of the area.

7. There is a slope through the appeal site and I observed that decking is positioned along the front of the site which has raised this part of the garden above the pavement level outside. Whilst I acknowledge that the appellant seeks to have a private and secure garden, I am unconvinced that these concerns cannot be overcome by a boundary treatment more in keeping with the area.

8. Reference has been made to other tall fences in the locality however I have not been provided with any specific details. Nevertheless, I observed that where boundaries are taller, particularly on corner plots for privacy, these tend to comprise of mature vegetation which has a softer visual appearance than the appeal proposal and provides a degree of permeability to the street scene.

9. Consequently, the development would harm the character and appearance of the area and would therefore conflict with policy ENV6 of the Cheshire West and Chester Local Plan (Part One) and policy DM3 of the Cheshire West and Chester Local Plan (Part Two) which collectively seek to ensure developments respect and contribute positively to local character.

Other Matters

10. It is noted that the appellant is willing to set back the fence to include planting although there are no specific details before me. Nevertheless, I can only determine the appeal on the basis of the plans which have been considered by the Council and on which neighbouring occupiers were consulted.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Hannah Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR