



Appeal Decision

Site visit made on 23 June 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/U4230/D/20/3252151

110 Neville Road, Salford M7 3PL

- 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 Yonathan Kahn against the decision of Salford City Council.
 - The application Ref 19/73940/HH, dated 19 July 2019, was refused by notice dated 7 May 2020.
 - The appeal development is the erection of a front fence / gates exceeding 1m in height.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal development has been erected. An application for planning permission for the development was subsequently submitted, refused by the Council, and is now the subject of this appeal. I have made minor changes to the description of the appeal development found on the application form to remove superfluous words and improve clarity, in the banner heading above.

Main Issue

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

Reasons

4. The appeal concerns a semi-detached property at the corner of Neville Road and Norwood Avenue. The property is located on the northern side of Neville Road; the other semi-detached property is on the eastern side of Norwood Avenue.
5. This is a predominantly residential area, characterised by traditional, garden-fronted dwellings of various sizes and designs and with a range of different front boundary treatments. Neville Road slopes downwards as it passes the appeal property from east to west, whilst Norwood Avenue also slopes away from its junction with Neville Road¹.
6. The appeal development comprises solid timber vertical fencing contained within rectangular, metal-bound panels, together with pedestrian and vehicular access gates of a very similar design and appearance. The fence / gates are positioned next to the footpath and vary in height above the sloping ground by around 1.7m – 2.0m, although no scaled elevation drawings showing the precise dimensions have been submitted.

¹ Norwood Avenue has two junctions with Neville Road; the appeal property is by the easternmost junction.

7. The height, length and design of the appeal development is out of keeping with the character and appearance of the area. The front boundary treatments of other dwellings in this vicinity, including the two next-door dwellings, are generally lower in height, with greater articulation and openness, and so are less visually intrusive than the appeal development.
8. Furthermore, in views from the north (along Norwood Avenue) and west (along Nevile Road), the corner location and somewhat elevated position of the appeal development makes it a highly prominent feature in the streetscene, accentuating the visual harm to the area.
9. For these reasons, the appeal development is harmful to the character and appearance of the area and conflicts with Policy DES1 (respecting context) of the City of Salford Unitary Development Plan 2004-2016, and with the National Planning Policy Framework 2019, in this regard.

Other Matters

10. I note the appellant's comments regarding the football stadium further to the west along Nevile Road. The stadium is a considerable distance from the appeal property, with a different visual context. The appearance of this development has no bearing on the appeal before me.

Conclusion

11. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.
12. When I visited the site, I observed the appeal development and the curtilage to the front and side of the appeal dwelling from different parts of the nearby public realm. I have had due regard to the submitted evidence regarding the appellant's family circumstances, much of which is of a sensitive nature, and the consequent rationale for the appeal development². Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed, and in this instance the appellant's family circumstances do not outweigh the significant harm I have found, as set out above.
13. Dismissing the appeal would mean that the appellant may have to consider other options for addressing their family's needs. However, there is no evidence before me to demonstrate that the appeal development is the only means by which such needs could be met. Accordingly, dismissing the appeal would be a proportionate response, given the identified harm.
14. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

² Including the Doctor's letter dated 18 July 2019 and the Council's *Part B Not for Publication* report.