



Appeal Decision

Site visit made on 28 July 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/E2734/D/20/3255451

42, Harlow Avenue, Harrogate, North Yorkshire HG2 0AS

- 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 Barry Lee against the decision of Harrogate Borough Council.
 - The application Ref 20/00419/FUL, dated 30 January 2020, was refused by notice dated 14 April 2020.
 - The development proposed is described as erection of timber boundary fence 1800 high.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a 1.8 metre high timber boundary fence at 42, Harlow Avenue, Harrogate, North Yorkshire HG2 0AS in accordance with the terms of the application, ref 20/00419/FUL, dated 30 January 2020, and the plans submitted with it.

Procedural Matters

2. The decision notice refers to the retention of a boundary fence. During my site visit I observed that the development was substantially completed and accorded with the submitted details upon which the public consultation and Council's decision were based. The appeal proceeds on that basis.
3. The description cited on the planning application form and which is used in the banner heading above differs to that used in the decision notice and appeal forms. As 'retention' is not an act of development in itself, I have not included reference to that in the revised description of development set out in paragraph 1. I have also amended that description to reflect the unit of measurement for the development in the interests of precision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to scale, density and layout.

Reasons

5. The appeal site is a semi-detached dwelling, located on a corner plot within a well-established residential estate. The street scene within the vicinity of the appeal site is characterised by modest front gardens and driveways which tend to be enclosed by a variety of means of enclosure, including hedges, railings, walls and timber fences which tend to immediately adjoin the public footway.

6. The appellant's intentions are noted given the limitations that this corner plot presents in terms of available amenity space which is out of public view. I observed that whilst there is inconsistency in the heights of means of enclosures in the locality, the majority enabled a degree of inter-visibility between the street and front garden areas. However, within the vicinity of the site I also observed some front and side gardens that were enclosed by solid fences of a similar height and scale to the development in question and did not jar with the character and appearance of the area.
7. The close boarded design of the fence is domestic in its appearance. The height of the fence provides reasonable levels of privacy without being out of scale with its residential context. Furthermore, the positioning of the fence in relation to the public footway is consistent with the majority of boundary enclosures in the surrounding street scene. For these reasons the development is not a stark, unexpected or alien feature within the street scene in these regards.
8. The Council has not clearly conveyed its concerns in respect to 'density'. Nonetheless, I observed that the development comprises of vertical timber boards of a consistent height and design. The height and inability to see through the development did not impede important views within the street scene. Furthermore, as the development does not extend along the full extent of the plot boundary, the sense of openness of the front garden forecourt area that is characteristic of the wider area is retained. The sense of space between the host property and No 40 Harlow Avenue also remains.
9. The scale, positioning and layout of the development means that its presence extends to longer distance vantage points as far back as the Beckwith Road and Beckwith Avenue junction. However, from that direction it is read against the gable end of No 40, and within the context of other means of enclosure in the foreground and on either side of it. These features assist in the development assimilating into the street scene. From Harlow Park Drive the development is also read in conjunction with existing varied means of enclosure along the street and properties opposite. In particular I observed that the development was no higher than the hedgerows at Nos 44 and 49 Harlow Avenue that also front the junction. Similarly, the development is read in conjunction with those hedgerows and properties when approaching the site along Harlow Avenue towards Beckwith Avenue. These features assist in the fence assimilating into the street scene.
10. Therefore, despite the extended visibility of the development, its overall scale and layout does not cause it to be unduly prominent to an extent that would render it stark, out of character and therefore discordant with the street scene from either short or longer distance vantage points, even if those hedgerows were to be reduced in height or removed.
11. For these reasons I do not find that the development is harmful to the character and appearance of the street scene, with particular regard to scale, density and layout.
12. I note that the Council's 'House Extensions and Garages Design Guide Supplementary Planning Document (September 2005)' states that timber panel fences to boundaries with the public highway will not be accepted and that boundary construction should reflect local tradition. In the absence of any harm there is no basis to attach weight to the conflict with this guidance in this particular instance.

13. Policy HP3 of the 'Harrogate District Local Plan 2014-2035 (March 2020)' states that developments should respect the spatial qualities of the local area, including scale, appearance, use of spaces about and between buildings or structures, visual relationships, views and vistas and also respond positively to the built form and grain of the context amongst other things. Policy HP4 of that plan states that developments should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. In the absence of any harm, I find that the development does not conflict with those policies nor with the wider development plan. Neither is there conflict with those related principles of the National Planning Policy Framework cited by the Council.

Conditions

14. As I find the development acceptable, the Council's suggested conditions relating to timescales and conformity with the submitted are unnecessary. I have not identified the necessity for any other conditions.

Conclusion

15. For the reasons set out above, the appeal should be allowed.

C Dillon

INSPECTOR