
Appeal Decision

Site visit made on 17 August 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 14 September 2020

Appeal Ref: APP/A2335/D/20/3254482

Woodside, Kirkby Lonsdale Road, Arkholme LA6 1BA

- 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 Miss Tracy Taylor against the decision of Lancaster City Council.
 - The application Ref 20/00072/FUL, dated 23 January 2020, was refused by notice dated 26 March 2020.
 - The development proposed is "retrospective application for the vertically boarded timber fence which has already been erected with in the garden".
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Decision

The appeal is dismissed.

Appeal Procedure

1. 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

2. At the time of my visit a timber fence had been erected at the site. During the application process revised plans were received amending the height of the fence from 2.1m to 1.7m. The Council based its decision on the revised plans, and I have determined the appeal on this basis.
3. There appears to be some disagreement between the parties as to whether the site lies wholly within the boundary of the Arkholme Conservation Area or is partly outside it. On the basis of all I have seen and read, the majority of the fence that forms the subject of the appeal is within the Conservation Area boundary. Even if a small part of the site lies outside the boundary, that part is within the setting of the Conservation Area and I have considered the proposal on that basis.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Arkholme Conservation Area.

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving

or enhancing the character or appearance of a Conservation Area. Arkholme CA includes the majority of the village, which is characterised by traditional and historic stone and slate buildings. Boundary treatments facing the road are mainly low stone walls reflecting the historic characteristics of the area, with some areas of hedging either as the sole boundary treatment or in addition to a wall.

6. Woodside, which is a recently constructed dwelling, lies immediately adjacent to Kirkby Lonsdale Road. It is a detached two storey building that has a simple agricultural design and is constructed from sandstone with areas of timber cladding to the walls. The low stone boundary wall which bounds the garden reflects the traditional boundary treatments of the Conservation Area and thereby makes a positive contribution to it.
7. The proposed timber fence, which would have a height of 1.7m, would project above the wall by approximately 0.5m and would extend for a significant distance along two sides of the plot. Its material and character would not reflect the traditional boundary treatments in the area. Whilst I acknowledge that a limited amount of timber cladding is a feature of the dwelling, it seems to me this is an integral part of the building's modern design and agricultural character. It does not follow that the use of a similar material as a boundary treatment is appropriate. The fence is a more expansive area of timber in a highly prominent corner position at the entrance to the village, which appears as a stark and discordant feature. Accordingly, it would be a visually intrusive addition to the wall and therefore would not preserve or enhance the character or appearance of the CA.
8. I acknowledge that at certain points and time of year, vegetation will help soften the appearance of the fencing. However, planting will take time to become established and is unlikely to screen the fence entirely. Whilst the predominant boundary treatments along the road are stone walls, I noted on the site visit that the estate opposite the appeal site has examples of timber fencing. This is however not directly comparable with the appeal scheme as it is significantly more limited in extent and is set back from the highway behind an area of landscaping. It is therefore less prominent in the street scene.
9. I understand from the appellant that the Council would not object to the raising of the height of the wall. However, there are no details of such an agreement or planning permission for this before me. Moreover, a wall of increased height is not directly comparable to a timber fence in terms of its visual appearance and impact. The lack of comments from the Conservation Officer regarding the application is a matter for the Council and not decisive in determining this appeal.
10. For the above reasons, the proposed development would not preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with policies DM31 and DM35 of the A Local Plan for Lancaster District 2011-2031 Development Management Development Plan Document (2014), and the aims of the National Planning Policy Framework. Amongst other things, these seek to ensure that development preserves or enhances the character or appearance of Conservation Areas, including the character of the built form, and contributes positively to the character of the area.

11. The development affects only part of the CA and therefore in terms of the Framework the harm caused to its significance is less than substantial. The approach in paragraph 196 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward.

Other Matter

12. I acknowledge the need to ensure that the garden area is both safe and private. The fence would meet this need and as such this is a benefit of the proposal. However, I am not persuaded that such measures could not be achieved by other means and this limits the weight I can give to the matter. As such the private benefit of the fence to the appellant does not outweigh the harm identified.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR