



Appeal Decision

Site visit made on 13 October 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/R0660/D/20/3259349

110 Samuel Armstrong Way, Crewe CW1 4SH

- 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 Bobby Sharp against the decision of Cheshire East Council.
 - The application Ref 20/1816N, dated 2 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is move garden fence to boundary.
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Decision

1. The appeal is allowed and planning permission is granted to move garden fence to boundary at 110 Samuel Armstrong Way, Crewe CW1 4SH in accordance with the terms of the application, Ref 20/1816N, dated 2 May 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (1:200), Location Plan (1:1250), Photographs, Fencing Image.
 - 3) Notwithstanding any details shown on the approved plans, the fence shall be constructed in timber with timber posts. Prior to the fence being erected the detailed design and finish colour of the fence shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details and retained for the life of the development.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a brick two-storey semi-detached property situated on a corner plot with Broad Street and Samuel Armstrong Way. It is located on a modern housing estate, which is still under construction. Despite some variation in design types the properties are generally in the same style, of matching materials and the estate features small areas of soft landscaping, all which contribute to the modern character and appearance of the area.

4. The proposal would re-position the existing timber boundary fence to the back edge of the public highway grass verge. The appellant has confirmed that the materials of construction of the fence would include wooden posts and not concrete posts as the Council have stated, however apart from a photo'd-on image of the fence there are no detailed designs including the colour finish. Nevertheless, the materials and finer details to make the development acceptable in this regard could be dealt with by a suitable worded condition.
5. The Council argues that the original plot (639) has approved boundary treatment set in by approx. 1 metre, which mirrors the house directly opposite. and any alteration would be an unsympathetic addition, out of character to the detriment of the street scene and wider estate. It was apparent at the time of my site visit, there appears to be a wide variety of fencing types already erected on the estate, many of the property's occupiers have already altered the designs and appearance of those. Furthermore, I noted that not all fencing was mirrored and aligned with a gap between the boundary and back edge of the highway verge. All these sites are within close proximity to the appeal site.
6. Whilst, the fence would be set closer to the highway boundary and slightly protrude from the rear/side elevation the existing green highway verge would still be retained. The appellant has indicated an area of newly planted hedge would also be retained, all which would soften the visual impact and is consistent with other soft landscaping on the estate. As such, the fence would not appear as an obtrusive and incongruous feature within the street scene and wider area.
7. I acknowledge that the Council are concerned with the discrepancies in the approved landscaping scheme for the whole of the development. However, if they wish to pursue these matters, they could do so with the necessary enforcement powers. I also noted at the time of the site visit the rear part of the fence at the appeal site, where it adjoins the neighbouring driveway had not been squared off and was still inset with a dog leg.
8. For the reasons given above, the proposed development would not cause harm to the character and appearance of the area. Therefore, it would not be in conflict with Policy SE1 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017, amongst other things, requires high quality design and proposals to make a positive contribution to their surroundings in terms of a sense of place and managing design quality.

Conditions

9. I have considered conditions in light of the Planning Practice Guidance. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to the design and finish of the fence is necessary.

Conclusion

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

K A Taylor

INSPECTOR