



Appeal Decision

Site Visit made on 10 November 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/X4725/D/20/3256353

39 Love Lane, Castleford, WF10 5RY

- 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 Laura Richmond against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/00530/FUL, dated 4 March 2020, was refused by notice dated 29 April 2020.
 - The development proposed is described as 'we have replaced the old fencing that was already in when we moved in 2 1/2 years ago, it was 2ft 11 inches as is our new fence on top of a 2ft wall. We have added 1ft trellis on top of our fencing and our gates are the same height as the trellis'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of fence and gates around the property. The Council dealt with the proposal on this basis and so shall I
3. The fence and gates have been erected and I am therefore considering the appeal as retrospective.

Main Issue

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

Reasons

5. Love Lane is within a predominantly residential area with a mix of dwelling types, variety of styles, densities and materials. Most of the front boundaries to the dwellings are marked by low brick walls with limited fencing above and low brick walls with railings with planting behind them which gives the street a pleasant soft-landscaped and of open character.
6. The appeal site is a semi-detached property and is located on a prominent corner position with the junction of Love Lane and Falcon Drive. The close boarded fence, which incorporates trellis above, runs for a considerable length wrapping around the front and side garden. Given the height, length and prominence, of the fence combined with the trellis and gates, forms a large,

obtrusive and incongruous feature in the street scene which is at odds with the prevailing character.

7. I appreciate the appellant's frustration that there are a small number of other tall fences, gates and walls within the surrounding area of the appeal site. However, the existence of these does not justify further harm.
8. For the reasons given above, I conclude that the development causes harm to the character and appearance of the area. It is contrary to Policies D9(d) and D10 of the Wakefield Metropolitan District Council, Local Development Framework, Development Policies Document, 2009 and Policy CS10 of the Wakefield Metropolitan District Council, Core Strategy, 2009. Taken together these policies require development to be high quality design; contribute to the character and local distinctiveness of the area and do not permit development which results in significant harm to the character of the area.
9. The development is also at odds with the Wakefield District Residential Design Guide, Part 2: Guidance for householders, Supplementary Planning Document, 2018, Design in Relation to the Street, paragraphs 1.08.08 and 1.08.09.

Other Matters

10. I acknowledge that the fence provides privacy for the appellant, they wish to improve the look of their property, there is no impact to drainage and the lack of objections from local residents, but these matters do not outweigh the harm to the street scene. Furthermore, I have no substantive evidence that there is any anti-social behaviour in the area with people congregating and paraphernalia being left within the appeal site. In any event, the appeal is determined on its individual merits on the basis of the evidence before me.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR