



Appeal Decision

Site visit made on 9 November 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/A2335/W/20/3255972

2 Ousby Avenue, Morecambe LA3 3DN

- 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 Lora Donald against the decision of Lancaster City Council.
 - The application Ref: 20/00301/FUL, dated 25 November 2019, was refused by notice dated 11 May 2020.
 - The development proposed is erection of a feathered edge timber fence at 1.96m high, and change of use for the land at side of dwellings to be used for domestic purposes and included in the domestic curtilage boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, Lancaster City Council formally adopted 'A Local Plan for Lancaster District 2011-2031' in July 2020. This contains Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (RDMDPD). The Council has confirmed that the RDMDPD replaces the previous Development Management Development Plan Document 2014. I have therefore determined the appeal having regard to the relevant policy within the RDMDPD. Both main parties have had the opportunity to comment on the implications of this for the appeal. I am satisfied that no interested party has been prejudiced by this approach.
3. I observed on my site visit that a timber fence has been erected. I have therefore determined the appeal on the basis that the development has already occurred and having regard to the plans submitted with the application.

Main Issue

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

Reasons

5. The appeal site is located within a late 20th century residential estate. The estate is primarily composed of short terraces of two-storey dwellings which are uniform in design and materials. The terraces are interspersed by areas of hard-landscaping for communal car parking and small pockets of land with shrub-planting which soften the hard urban form of the estate.

6. Most dwellings within the estate possess no boundary treatment at the front, while the predominant boundary treatment at the side and/or rear of the houses is that of brick walls constructed of mottled red brick with dark grey brick coping.
7. The pockets of shrub-planting and brick boundary walls are integral to the layout and design of the estate and undoubtedly contribute to the character and appearance of the area.
8. The appeal property is an end of terrace dwelling which occupies a highly prominent corner position at the junction of Ousby Avenue and Burdock Walk. The erected close-boarded timber fence runs along the outside line of a pocket of land containing shrub-planting at the side of the appeal property, incorporating the land within its rear domestic curtilage.
9. The loss of the brick boundary wall and pocket of land with shrub-planting, along with the land's amalgamation into the rear garden of the appeal property, harmfully erode the design integrity of the estate. Furthermore, the fence's projection beyond the existing side building line of the appeal property, combined with its length, stark form and discordant material, results in an unduly conspicuous and incongruous feature in the street scene, which is at odds with the prevailing characteristics of boundary treatment in the area. In these respects, the development significantly diminishes the positive qualities of the estate.
10. The appellant highlights that the pocket of land was an unsafe eye-sore that was prone to fly-tipping and antisocial behaviour, which the development will prevent. Nonetheless, no substantive evidence has been provided which verifies these claims. In any event, these matters are not, of themselves, reasons to allow unacceptable development and do not justify the harm.
11. In coming to my decision I have had regard to the appellant's references to Building for Life 12: The sign of a good place to live¹. The extracts cited concern the design process for large housing developments, not small scale development within areas that have an established character and appearance, such as this estate. Consequently, they are not directly relevant to the appeal before me. Furthermore, Section 12 of the National Planning Policy Framework (the Framework) is very clear in its requirement that developments should be sympathetic to local character, including the surrounding built environment.
12. Accordingly, I conclude that the development has a harmful effect on the character and appearance of the area. As such, it conflicts with Policy DM29 of the RDMDPD in so far as it requires new development to make a positive contribution to the surrounding townscape. It would also conflict with the provisions in Section 12 of the Framework referred to above.
13. The appellant asserts that the fence will support climbing shrubs which will improve the appearance of the area and benefit local wildlife and has suggested some varieties of plants which could be used. However, the additional planting would not overcome the fundamental objections to the loss of the brick boundary wall and pocket of land with shrub-planting, combined with the inappropriate position, length, form and material of the fence. Therefore, this does not alter my conclusion on the main issue.

¹ Referenced in Section 12 of the National Planning Policy Framework: Birkbeck D and Kruczkowski S (2015) Building for Life 12: The sign of a good place to live.

Conclusion

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

F Cullen

INSPECTOR