



Appeal Decision

Site visit made on 17 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 4th December 2020

Appeal Ref: APP/A0665/D/20/3255036

6 Queens Drive, Helsby, Frodsham, Cheshire WA6 0AY

- 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 Lee Lepts against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01941/FUL, dated 20 May 2019, was refused by notice dated 15 April 2020.
 - The development is described as erection of fence to cover boundary (retrospective).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The development has already been carried out and I saw at the time of my visit that the fence is approximately 1.5 metre high with close boarded timber panels between concrete posts. I have determined the appeal on the basis that permission is sought for the development that has been implemented.
3. The Council's decision notice does not include the reasons for refusal. Therefore, based on the evidence before me including the Council officer's report and the development plan policies submitted by the Council, I consider the main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. No 6 is a 2 storey semi-detached property on a corner plot part way along Queens Drive, which is a straight residential road roughly perpendicular to, and sloping down from, the A56 Chester Road. The street is characterised by matching pairs of semi-detached dwellings set back on regular building lines. The small front gardens are predominantly separated from the footway by hedgerows or low fences. The street has a harmonious and open character and appearance.
5. The appeal property is set at a roughly 45 degree angle from the neighbouring property, No 8. The corner location and the shape of the plot result in No 6 having a much longer boundary to Queens Drive than the neighbouring properties. Consequently, the extent of tall and solid fence along the road is readily visible. The visual impact of the development is further compounded by the length of fence that extends back from the junction and that meets the front elevation of the property. The fence is out of keeping with the hedgerows

and the low fences that characterise Queens Drive. By virtue of its prominent corner location, its length and excess height and its design, the development is a dominant and incongruous feature in the street scene.

6. Looking in either direction along the street, the vegetated frontages including hedgerows provide visual connectivity to the undeveloped countryside and tree canopies beyond the settlement boundaries. In this regard, the relatively open and verdant frontages, including tall hedges, make a positive contribution both to the street and to the wider townscape character. In contrast, the long, solid and tall fence is a discordant and visually obtrusive feature that disrupts, and it does not make a positive contribution to, local character, local distinctiveness or sense of place.
7. Therefore, the development harms the character and appearance of the area. It conflicts with Policy ENV6 of Cheshire West and Chester Council Local Plan (Part One) Strategic Policies Adopted January 2015 and Policy DM3 of Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019. These require, among other things, that development should achieve a sense of place, respecting and contributing positively to the character of the area and local distinctiveness. It also conflicts with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area, to be sympathetic to local character and the surrounding built environment and to maintain a strong sense of place.

Other Matters

8. The Town and Country Planning (Development Management Procedure) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision. Although in this case the decision notice does not include the reasons for refusal, the Council's officer report set out the harm, the conflict with the development plan and the relevant policies for determination. The appellant understood the concerns of the Council when the appeal was made against the refusal of the application. While he will have been disappointed with the Council's decision, given the harm that I have found the appeal could not have been avoided.
9. My attention has been drawn to an earlier permission for a tall fence at 3 Kings Drive, which the Council considered was visually intrusive but not overly dominant. There are similarities between No 3 and the appeal property including in terms of their plots and orientation towards the road, but No 3 is in a considerably less prominent location than the appeal property. Moreover, that scheme was considered in a different policy context and before the Framework was adopted in 2012. Having seen both schemes, I find that the appeal scheme is significantly more visually obtrusive and it has a far greater detrimental visual impact. Neither the fence at 3 Kings Drive nor high fences and walls on corner plots in residential areas elsewhere provide a visual context or a justification for the appeal scheme.
10. The plot is a relatively awkward shape with a long side boundary adjacent to the road and the property does not have a private rear garden in the same way that the neighbouring properties do. The appellant's desire to enclose the garden in the interests of security and privacy for his family is therefore understandable. However, it has not been demonstrated that there are no

alternative solutions that could deliver similar benefits without the harm that I have found.

11. There were no objections from neighbouring residential occupiers and the development does not harm highway safety or the living conditions of neighbouring occupiers. These matters carry neutral weight.

Conclusion

12. For the reasons set out above, the development results in conflict with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR