
Appeal Decision

Site visit made on 25 November 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/M2325/D/20/3257663

5 Kingsway, Lytham St Annes FY8 1AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr & Mrs Ellison against the decision of Fylde Council.
 - The application Ref 20/0305, dated 5 May 2020, was refused by notice dated 12 June 2020.
 - The development proposed is described as a retrospective application for the erection of a 1.55M high timber fence behind the existing wall (total height of 1.55M) to side.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is an existing solid wooden fence on site along a section of the side and along the rear of the property. This fence is around 2 metres in height. Nevertheless, the development proposal subject to this appeal is a solid wooden fence measuring 1.55 metres high along the same section on the side of the property and 2.0 metres high along the rear section.
3. The existing fence is set back from the low brick-built wall adjacent to the highway by about 20-25 cm. However, this gap is negligible and for the purpose of this appeal the fence is treated as being adjacent to the highway. Thus, by virtue of its height and location, it is a development that requires planning permission.

Main Issues

4. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area with particular regard to the front and side gardens.

Reasons

5. The appeal site is a terraced dwelling located on the corner of Kingsway and Princess Road in Lytham St Annes which forms part of a wider established residential area. Both roads are quite wide. The dwellings along Kingsway and the surrounding roads are generally large brick built with front gardens.
6. Virtually all the front gardens are separated from the pavement by a low red brick wall which is punctuated by chest high brick pillars framing the gateway. The low brick walls ensure that the neighbourhood has a largely open appearance allowing uninterrupted views of the front of each dwelling. These

- low red brick boundary walls and pillars are an intrinsic element of the character of the area.
7. On the other side of Princess Road is a car sales room which occupies a large, barnlike building. It is set back from Kingsway and Princess Road with cars parked to the front and side. There is vehicle access also to the front and to the side.
 8. The proposed development is a 1.55 metres tall solid wooden fence running about two-thirds the length of the side and rear garden of No 5 and a shorter section of 2.0 metres high solid wooden fencing along the rear of the property. The section of fencing along the side of the property faces the side entrance to the car sales room on the opposite side of the road.
 9. Adjacent to the rear of No 5 is a small bungalow on Princess Road. That property has a convex-shaped solid wooden fence to the front that extends about twice the height of the low brick wall. Nevertheless, other than the appeal property and the adjacent bungalow most of the other properties on both sides of Princess Road and virtually all of those along Arundel Road (running parallel with Kingsway) have low walls to the front and no fencing.
 10. There are some other properties in the wider area that have solid wooden fences to the front and / or sides of the front garden. These include 2 other dwellings on Kingsway, 3 on Lake Road closer to the sea front, 1 on Buckingham Road, 2 at Miletas Place and another at Clifton Drive.
 11. These cases do not form a binding precedent since each development proposal must be treated on its own merits having regard to the specific characteristics of the site and its surroundings. Furthermore, no details were provided about the planning histories of the cases.
 12. The side elevation of the car sales room is about 15 metres from the boundary of the appeal site. Nevertheless, there appears to be no reason to suggest that this business operation might affect the privacy or the usability of the side or rear garden of No 5.
 13. The proposed fence would look utilitarian and incongruous. It would be clearly visible above the low wall and would therefore disrupt the generally open character of the front gardens of the dwellings within Kingsway and Princess Road.
 14. For the reasons set out above the proposed development would harm the character and appearance of the surrounding area, in particular the street scene. It would thus fail to accord with Policy GD7 (b; d; h; and i) of the Fylde Local Plan To 2032 2018 which seek to ensure jointly and severally that new development is of a high quality that reflects and enhances the local character of the area, is of a scale and material sympathetic to its surroundings.
 15. Furthermore, the proposal would fail to accord with the advice handed down at paragraphs 127d) and 130 of the National Planning Policy Framework that new development should, respectively, maintain a strong sense of place and be of a high quality.

Conclusion

16. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR