



Appeal Decision

Site Visit made on 30 November 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/E2001/D/20/3256420

1 Tranby Lodge Gardens, Hessle HU13 0TL

- 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 W Chu against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01087/PLF, dated 27 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is described as retention of existing wooden boundary fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of Hessle (Southfield) Conservation Area.

Reasons

3. The proposed development for which permission is sought is a fence that has already been erected.
4. The appeal site is located within Hessle (Southfield) Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Policies ENV1 and ENV3 of the East Riding Local Plan Strategy Document ('Local Plan') require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
5. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 184 identifies heritage assets as irreplaceable resources and paragraph 193 advises that great weight should be given to the conservation of a heritage asset when considering the impact of a development upon its significance.
6. The conservation area covers an area of predominantly large, generously proportioned high quality late Victorian and Edwardian houses. The scale and architectural style of houses together with hedges along roadside boundaries are an intrinsic part of the conservation area's character. The significance of the conservation area is therefore architectural and historical.
7. The appeal property is located at the entrance to Tranby Lodge Gardens which is a relatively recent cul-de-sac development of predominantly large detached houses off Heads Lane. As a result of the inward looking orientation of the houses, the main contribution of development along the cul-de-sac to the street scene of Heads Lane is the boundary treatment that separates the rear and side

gardens of the houses from this road. It is apparent that as part of the Tranby Lodge Gardens scheme metal railings approximately 1.6 metres tall were chosen for this purpose behind which evergreen hedges have now become established.

8. The boundary hedges are laurel rather than privet, which the CAA identifies as one of the characteristics that set the conservation area's character. The fact that the hedges though are evergreen and visually overwhelm the metal railings to the extent that the railings are not immediately apparent means that the boundary treatment is consistent with the wider character of the conservation area and makes a positive contribution towards it.
9. The fence that has been erected is a green close boarded wooden fence. At approximately 2 metres in height it is noticeably taller than the railed fence on either side and has a far greater physical presence and urbanising effect on the streetscene. Laurel shrubs have been planted between the fence and the footpath. However, they are far too small to adequately screen the fence at present and it may well take several years before they do. Even if the plants eventually screen the fence, the solution to poor design is good design rather than screening it from view, especially in a Conservation Area.
10. Reference has been made to wooden fences at 54 Heads Lane, which is nearby, and 93 Ferriby Road, which is out of view. In relation to both properties wooden fences form only part of the boundary treatment. Moreover, as two isolated examples in a conservation area consisting of hundreds of houses the presence of these fences does not alter the character of the area to the extent that the long fence at the appeal property would fit in.
11. The harm caused by the fence to the significance of the conservation area as a whole would be less than substantial. In such circumstances, paragraph 196 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal. However, there are no such benefits that weigh in its favour.
12. For all of the reasons given above, I therefore conclude that the fence is a poorly designed boundary treatment that harms the character and appearance of the Hessle (Southfield) Conservation Area failing the statutory test and contrary to policies ENV1 and ENV3 of the Local Plan.
13. The fence provides privacy to the rear garden of the appeal property and provides some protection from road noise. However, these considerations are insufficient to overcome the harm the fence causes to the character and appearance of the conservation area and the resulting conflict with the development plan.

Conclusion

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

Ian Radcliffe

Inspector