



Appeal Decision

Site visit made on 11 January 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/A0665/C/20/3258523

Land at 49 Hayes Crescent, Frodsham, Cheshire WA6 7PQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jonathan Maddock against an enforcement notice issued by Cheshire West & Chester Council.
 - The enforcement notice was issued on 14 July 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a 2 metre high closed boarded timber fence to the front and side of the Land which is adjacent to the highway.
 - The requirements of the notice are: Reduce the height of the fence to a maximum of 1.3m.
 - The period for compliance with the requirements is 6 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), deemed planning permission

Main Issue

2. The main issue in this case is the effect on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located in a residential area which has a distinct urban grain. It is characterised by semi-detached dwellings which are set back from the road with modest enclosed front gardens and driveways. The fence has been erected in a prominent location, extending along the side and partially across the front of No 49 Hayes Crescent which is situated on the corner of St. Hilda's Drive.
4. It was apparent from my site visit that a number of the original hedges which enclosed the front gardens of houses on this estate have been removed and replaced with other forms of enclosure, including wooden fences and some brick walls. However, in most of those cases the replacement walls and fences

are not more than a metre in height and are not extensive in length. Overall, they do not significantly detract from the appearance of the area.

5. The height and design of the means of enclosure that has been erected in this appeal case has resulted in a dominant structure which has a harsh and stark appearance. Moreover, its significant height, length and position on a prominent corner, adjacent to the footway, presents a bland and enclosed frontage to passers-by, which contrasts markedly with the verdant character of much of the surrounding area.
6. I appreciate that this property does not have a large rear garden and the appellant has sought to create a private and enclosed space for children to play. However, this could also be provided by hedge planting or some other form of boundary treatment which would be more in character with the area. Furthermore, reducing the height of the front fence alone would not overcome the harm I have identified to the character and appearance of the area.
7. I conclude that the fence has a harmful effect on the character and appearance of the surrounding area. There is conflict with the development plan, and in particular with Policy ENV6 of the Cheshire West and Chester Local Plan (Part One) and Policy DM3 of the Cheshire West and Chester Local Plan (Part Two) which collectively seek to ensure development respects and contributes positively to local character.

Conclusion

8. For the reasons given above and taking into account all other matters raised, I conclude that the appeal on ground (a) must fail. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed application.

Elizabeth Pleasant

INSPECTOR