

Appeal Decision

Site Visit made on 15 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/M2325/D/20/3263795

13 Bannister Street, Lytham St. Annes, FY8 5JJ

- 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 Richard Smith against the decision of Fylde Borough Council.
 - The application Ref EN/20/0442, dated 22 June 2020, was refused by notice dated 14 November 2020.
 - The development proposed is 'erecting a 2m high perimeter timber fence around the rear, side and front of the property. The timber used will be rough sawn 2in x 1in battens in a 'hit and miss' style (see attached photos). The fence will be treated with a light natural stain or will be painted to compliment the colour of the property and surrounding area. Access gates will be place at the rear of the property next to the driveway and at the front of the property, providing access from the pathway leading to the front door. The fence will provide a secure perimeter and obscure the view of passers by walking along Bannister St'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The timber fence has been erected and the application was made retrospectively. I have dealt with the appeal in that basis.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Lytham Conservation Area (CA).

Reasons for the Recommendation

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Lytham CA is characterised by terraced dwellings with an historic regular street pattern. In the vicinity of the proposal dwellings are set behind low brick walls, giving an open character to the frontages.
6. 13 Bannister Street is an end terraced property at the junction with Cleveland Road, bounded to the front and side by a low brick wall to match the brickwork

- of the dwelling. It contributes to the character of the CA due to the position in the street scene and traditional design.
7. The fence, due to its height above the existing wall and timber material appears as a harsh and starkly discordant feature that is not in keeping with the more open and lower boundary treatments in the area. Its material and character do not reflect the traditional boundary treatments in the area. Even if the fence was stained or painted, it would still appear as an incongruous feature in the street scene.
 8. The appellant contends that there are high boundary treatments in the locality. From my site visit I saw that any higher boundary treatments were walls constructed to match the host dwelling or metal railings on top of low walls. However, the prevailing character remains dwarf walls and open frontages.
 9. For the above reasons, I conclude that the development does not preserve or enhance the character or appearance of the CA. Consequently, the development does not meet the statutory tests set out in the Act and conflicts with Policies GD7 and ENV5 of the Fylde Local Plan to 2032 (2018). Amongst other things, these seek to ensure that development relates well to the surrounding context, is sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the local area and preserves or enhances the character or appearance of Conservation Areas.
 10. The development affects only part of the CA and therefore in terms of the National Planning Policy Framework (the Framework) the harm caused to its significance is less than substantial. The approach in paragraph 196 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward and accordingly the development conflicts with the aims of the Framework to conserve and enhance the historic environment.

Other Matters

11. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
12. Whilst there are no formal objections from the current neighbours, the Framework requires that development creates places that provide a high standard of amenity for both existing and future users and add to the overall quality of the area. The harm that I have identified exists irrespective of whether or not objections have been received.
13. I acknowledge that the fencing gives privacy and security for the occupiers and am sympathetic to these needs. However, it is likely that there are other ways for these matters to be achieved without causing harm to the CA.

Conclusion and Recommendation

14. The development conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR