The Planning Inspectorate

Appeal Decision

Site Visit made on 15 June 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/E2734/D/21/3270568
57 Stockwell Drive, Knaresborough HG5 0LH

- 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 Miss Clair Smith against the decision of Harrogate Borough Council.
- The application Ref 20/03657/FUL, dated 23 September 2020, was refused by notice dated 2 March 2021.
- The development proposed is to erect a 6ft fence to garden on roadside.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. 57 Stockwell Drive occupies a spacious corner plot location alongside the junction with The Briars. Most of the properties along the street and in the surrounding area have front boundaries marked by low brick walls with planting behind, giving the area a pleasant soft-landscaped and spacious open character.

4. The proposal would introduce a 1.8 metre high close boarded panel fence to the front boundary, running to a length of approximately 12 metres along the frontage. Given its height, length and prominence, the proposed fence would result in a large, visually obtrusive and incongruous feature in the street scene and therefore at odds with the prevailing character of the area.

5. The hedging that previously formed the front boundary was removed in 2020, and I understand that the proposed fencing is sought to secure the property from intruders and to provide a safe and private enclosure for the appellant's child. Nevertheless, I am not persuaded that the proposed fence would be the only means to achieve these aims, particularly as low walls with hedging appears to be securing the boundaries of most of the neighbouring properties without issue.

6. I acknowledge that the previous hedging appeared to be overgrown and was causing an obstruction to the adjacent footway, prompting a complaint from the local Highway Authority. However, regular maintenance would have overcome this issue and therefore this does not mean that the proposed fence is a suitable alternative.

7. I appreciate that there are a small number of other fences and walls in the area. However, none of these appeared to be comparable to the appeal proposal in terms of scale, design and siting, and therefore they do not provide a justification for the harm I have found.

8. For these reasons, I find that the proposed development would harm the character and appearance of the surrounding area contrary to Policy HP3 of the Harrogate District Local Plan 2014 – 2035 (adopted March 2020) (the HDLP) which requires development to respect the spatial qualities of the local area. In doing so, the proposal also conflicts with the guidance set out in the Council's House Extensions and Garages Design Guide which states that timber panel fences to boundaries with the highway will not be accepted.

9. In its objection to the proposal, the Council also cite conflict with Policy HS8 of the HDLP. However, this policy relates to extensions to dwellings and as the appeal proposal would not extend the dwelling in any way, the policy is of little relevance. Consequently, I find no conflict with this policy.

Conclusion

10. The proposed development would be contrary to the development plan and there are no material considerations that would override this conflict.

11. Accordingly, for the reasons given, the appeal should fail.

J M Tweddle

INSPECTOR