
Appeal Decision

Site Visit made on 22 July 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2021

Appeal Ref: APP/W4325/D/21/3273546

5 Cunningham Close, Caldby, Wirral CH48 2JY

- 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 Ms Lynn Clayson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/01926, dated 15 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is to fence in front garden. Small picket fence in natural wood. This is a retrospective application.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence subject of the appeal has been erected in accordance with the submitted plans on site. I have considered the appeal on this basis.
3. On 20 July 2021 a revised National Planning Policy Framework ('the Framework') was issued replacing the version of the Framework published in 2019. However, it does not change design policy in relation to the proposal.

Main Issue

4. The main issue is the effect of the boundary fence on the character and appearance of the area.

Reasons

5. The appeal site comprises of a detached bungalow situated at the junction of Barton Hey Drive and Cunningham Close. Permitted development rights were removed to erect gates, fences, walls or other means of enclosure around the boundaries of the appeal site as part of a planning permission granted in 1977. The condition was imposed in the interests of amenity and to ensure a satisfactory form of development. Hence, the application now subject of this appeal. Dwellings to the north of the junction of Barton Hey Drive and Cunningham Road and up to the junction of the former and Croft Drive are generally characterised by open-plan frontages with a spacious character.
6. The character of Barton Hey Drive changes after its junction with Cunningham Close and Davenport Close with front or side boundary fences abutting the road becoming commonplace. Generally, these are modest in height, though there is some variation in their style and colour. Even if the fences at 4 Davenport Close and 4 Cunningham Close have been moved, and they are higher, it is unclear whether they benefit from planning permission. I give these fences little weight.
7. The appeal site is viewed in the context of both character areas but owing to

the siting and layout of the appeal property within its plot and the physical detachment provided by the roads from the character to the south, I consider the appeal site has greater affinity with the open-plan character to the north, east and west of the site.

8. As the fence extends around the property's garden, it covers a considerable distance in a prominent location due to the junction and the curvature of the road. Views through and over the fence are possible into the landscaped garden. However, the fence has introduced a physical barrier which detracts from the visual appreciation of the plot's open plan character. It is not appropriate in terms of its nature or visually prominent location despite the boundary treatments to the south as it has a harmful visual impact on the immediate character of the area. Thus, I do not consider that the fence enhances the appeal site.
9. Even if neighbouring occupants have indicated that they may consider something similar in the future, the effect of doing so, if repeated on nearby properties, would cause a detrimental effect to the immediate character and appearance of the area.
10. The fence does provide a degree of security and privacy to the occupants of the dwelling, and it acts as a deterrent, however, it does not, due to its scale, overcome every security issue. The fence does allow the appellant's dogs to use the land and not stray out into the road. Despite the benefit to the appellant and modest benefit to neighbours, these matters do not outweigh the harm that I have identified in respect of the character and appearance of the area. Moreover, there is no reason why the garden to the front and side could not be enjoyed, enhanced and maintained irrespective of the fence.
11. As such, I conclude that the boundary fence has an adverse effect on the character and appearance of the area and conflicts with saved Policies GRE1 and GR5 of the Wirral Unitary Development Plan and section 12 of the Framework. Jointly, these seek, among other things, to protect areas of land with visual importance to the locality or wider area and development to be appropriate in terms of its nature and location taking into account the visual prominence of the site and the character of the surrounding area.

Other Matters

12. The appeal site is not within the Caldys Conservation Area nor would the proposal affect its setting or significance. The proposal would also not harm highway safety due to its height and the style of the fence.
13. I note the cost of the fence and the expense of obtaining plans and submitting the planning application. Works to neighbouring properties may have also caused noise and disturbance in recent times, but I have, in any event, considered the appeal scheme on its planning merits alone. There may be covenants that relate to the appeal site, but these are separate civil matters.

Conclusion

14. The proposal does not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR