



Appeal Decision

Site Visit made on 2 August 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/E2734/D/21/3275717

2 Firs Avenue, Harrogate HG2 9HA

- 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 Alex Deighton against the decision of Harrogate Borough Council.
 - The application Ref 21/00451/FUL, dated 3 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is retention of timber boundary fence and installation of entrance gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.
3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The area surrounding the appeal site is characterised predominantly by residential properties. The appeal site sits in a prominent location bounded on two sides by the roads of Fir Avenue and Leeds Road, of which the latter is described as an arterial route. The boundary treatment facing onto Leeds Road is varied but is predominantly a mix of hedgerows, shrubs, trees with some low walling and fencing.
6. The fencing and entrance gates, due to their height, colour and length, appear as dominating features within the surrounding area. The proposals are highly visible from surrounding roads and footpaths and introduces a built form that detracts from the existing character of the street.
7. My attention has been brought to a number of examples of other boundary treatments in the area which have been indicated exceed a height of one metre

and does not accord with the Harrogate Extensions & Garage Design Guide 2005. At my site visit, I viewed a number of different boundary treatments in the area, some of which were fencing and walls that exceeded 1 metre in height and did not contribute positively to the street scene. The fencing subject of this appeal is larger in height and length than most of those other examples and remains an obtrusive structure that detracts from the appearance of the area.

8. The appellant has indicated that the fence cannot be moved back without removing existing trees and these trees supplement and bolster the screening. There is no indication however, as to whether the fence could be moved behind these trees. The appellant also states that the previous fence is of similar size and height. Insufficient evidence has been submitted and I cannot be sure that the previous fence represents a direct parallel with this appeal scheme, particularly in regards to size and location.
9. I have had regard to the appellants statement of case including comments on the accessible location of the site, the previous dense hedgerow being unkempt and untidy impacting on the footpath, that the fence does not obstruct or interfere with vehicles or pedestrians, and some hedgerow in the area encroaching past the defined boundary whilst the proposals are aligned with the appeal site boundaries. These matters however, do not outweigh the harm I have indicated above with regards to the effects of the character and appearance of the surrounding area.
10. The appellant has referred to matters relating to residential amenity and noise pollution including recommended sound levels from the World Health Organisations, data from the Department of Transport on traffic numbers and calculations on noise levels at the site. There is limited evidence on how these sound levels have been measured at the site and the methodology for calculating the noise levels before and after the erection of the fence. From the information before me, I am unconvinced of the benefits of the fence on the living conditions of the occupiers of the appeal site in terms of noise. These matters do not outweigh the harm to the character and appearance of the area.
11. It has been suggested that conditions could be imposed so the fence can be painted a different colour and ivy or other panting can grow up the fence. Due to the overall height and length of the fence, changing the colour would not overcome the starkness of the structure. I am not convinced that sufficient planting could be introduced that would provide adequate screening of the whole of the structure.
12. Accordingly, the proposal does have a harmful effect on the character and appearance of the surrounding area. The proposal does not accord with Policy HP3 of the Harrogate District Local Plan March 2020, the Harrogate House Extensions & Garage Design Guide 2005 and the Framework which seeks development to incorporate design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
14. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR