



Appeal Decision

Site visit made on 8 December 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/W4325/D/21/3278992
16 Archers Way Woodchurch CH49 5LL

- 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 William Wilson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00340, dated 19 February 2021, was refused by notice dated 29 April 2021.
 - The development is an extension to back garden fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence, the subject of the appeal, has already been erected. Accordingly the application is retrospective and I have determined the appeal on this basis.
3. In July 2021, the Government published its revised National Planning Policy Framework (the Framework). It replaces the previous version published in February 2019. The Framework represents the Government's up to date planning policies for England and how they should be applied. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.
4. The Council has indicated that it has no objections to that part of the fence to the side and the rear boundaries enclosing the rear garden of the appeal site. Accordingly I shall direct my assessment to that part of the fence adjacent to the road junction and across the front garden of the appeal site.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is located on a corner plot at the junction of Archers Way and Fleetcroft Road. It is situated in a residential area of predominantly semi detached housing, of similar size and scale. Both Archers Way and Fleetcroft Road have a generally open aspect characterised by properties set back from

the highway and which give the area a spacious character. Whilst there are several corner plot properties where high fences have been erected to enclose the rear gardens, generally the fencing runs parallel to the front building line of the properties. As a consequence the front corner gardens remain visible so retaining the sense of openness found within this area.

7. The fence as erected is a prominent feature and is highly visible on entering and leaving the estate via Fleetcroft Road. The height and scale of the fence along the full length of the boundary and around part of the garden to the front of the appeal site is out of keeping with the open frontages along both Archers Way and Fleetcroft Road and fails to integrate with its surroundings. As such it is a discordant feature introducing a sense of enclosure and has a harmful visual impact on the immediate character and appearance of the area.
8. The appellant has referred me to a number of other similar fences within the area. Whilst I observed these fences on site, I do not know the full circumstances surrounding any of these developments. Although in the main these fences were on corner/side plots they are different to the Archers Way/Fleetcroft Road area where there is a greater sense of openness. As such the developments to which I have been referred do not represent a direct parallel and merit limited weight. In any event the existence of these developments does not justify development which would otherwise be harmful.
9. I therefore conclude that the development results in unacceptable harm to the character and appearance of the area. As such the development is contrary to Saved Policy GR5 of the Wirral Unitary Development Plan and the Framework which together seek to protect and enhance visual amenity and for proposals to be appropriate in the light of the visual prominence of the site and the character of the surrounding area.

Other Matters

10. I acknowledge the reasons why the appellant carried out the development and that the height in relation to the gate is in parts due to ground levels. I also appreciate his wish to create additional secure playing space for his family. I have given the personal circumstances as set out, careful consideration but am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest and that personal circumstances seldom outweigh such considerations. Moreover, there is no reason why a sizeable garden cannot be secured with fencing which would be less harmful than the current development.
11. I acknowledge too that neighbours have not raised objections to the development. However this in itself does not indicate a lack of harm arising from the development. I have had regard to the appellant's comments concerning the location of the fence in relation to permitted development rights. However there are no details of a specific fallback scheme before me. I note also the appellant's reference to the Council's handling of the application but this is not a matter before me nor does it alter my findings.
12. The Council has not objected to the rear and side boundary fence enclosing the rear garden of the appeal site, but as this element is not physically or functionally severable, a split decision in respect of this element is not appropriate.

Conclusion

13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR