
Appeal Decision

Site visit made on 18 January 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/E2734/D/21/3287865
64 Beckwith Road, Harrogate HG2 0BN

- 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 and Mrs P Kettlewell against the decision of Harrogate Borough Council.
 - The application Ref 21/03970/FUL, dated 6 September 2021, was refused by notice dated 1 November 2021.
 - The development proposed is part removal of existing hedge and replacement with timber/concrete fencing & extension to existing block paving to front of property.
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Decision

1. The appeal is allowed. Planning permission is granted for part removal of existing hedge and replacement with timber/concrete fencing & extension to existing block paving to front of property at 64 Beckwith Road, Harrogate HG2 0BN in accordance with the terms of the application Ref 21/03970/FUL dated 6 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Kettlewell-01 & Kettlewell-02 rev.A.

Procedural Matter

2. The proposal includes the extension of the existing block paving to the front of property. There is no indication that there is any disagreement between the parties with regards to this aspect of the scheme.

Main Issue

3. The main issue therefore is the effect of the part removal of the existing hedge and its replacement with fencing on the character and appearance of the area.

Reasons

4. The appeal property occupies a corner position fronting Beckwith Road with Beckwith Avenue running past its northern side elevation. It is on this side of the property where the provision of fencing is proposed which would see the partial removal of a section of the rather tall and dense hedge which forms the boundary of the side and rear garden area at the property.
5. The area is characterised by modern residential properties which generally have open plan frontages. Properties which occupy corner plots within the immediate

area often incorporate tall evergreen hedging to their public facing boundaries and these hedges provide separation from the adjoining streets and a sense of privacy.

6. However, publicly visible boundary treatment is not always formed from hedging and I was able to observe timber fencing forming the side boundary treatment to a garden adjacent to Beckwith Walk to the east. I was further able to observe the use of tall timber fencing at a bungalow immediately to the north of the site and on the boundary between No.55 and No.75 Beckwith Road.
7. SPD¹ guidance indicates amongst other things that generally, timber panel fences to boundaries with the public highway will not be accepted. However, the guidance indicates that this should generally be the case, which suggests that there may be some instances where it may be acceptable to deviate from the guidelines.
8. In this instance, timber fencing is in evidence within the area and therefore does form a part of the character and appearance of the area. The amount that is proposed in relation to the proposal is only modest and the plans indicate that a significant section of the hedging would remain to form the boundary treatment on the forward part of the side boundary. There does therefore appear to be justification to depart from the guidance.
9. Neither the height nor length of the fence would be excessive. Combined with its design, which would include concrete gravel boards of limited height, it would not form a stark or overly prominent feature which would be unexpected in public views on the side boundary of a property within a modern residential area. For the reasons above, the proposal would have no adverse impact on the character or appearance of the area.
10. The proposal would not therefore conflict with Policy HP3 of the Harrogate District Local Plan (2020) which amongst other things seeks to protect the characteristics, qualities and features that contribute to the local distinctiveness of an area. I have also not identified conflict with the design requirements of The Framework².

Conditions

11. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

Conclusion

12. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

¹ Harrogate Borough Council House Extensions & Garages Design Guide 2005.

² National Planning Policy Framework 2021.