

Appeal Decision

Site visit made on 3 March 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/W4325/W/21/3289050
66 Town Meadow Lane, Moreton CH46 7TB

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Muskett against the decision of Wirral Council.
 - The application Ref APP/21/00754, dated 10 April 2021, was refused by notice dated 1 October 2021.
 - The development undertaken is 'build a fence around the front garden and relay paths inside'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence was in place at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the fence on the character and appearance of the street scene.

Reasons

4. The appeal relates to an end of terrace property which enjoys a prominent position on the junction of Town Meadow Lane and Wastdale Drive. It sits within a residential area where the predominant form of front boundary treatment is low walls and fences, sometimes reinforced by vegetation. Combined with the wide grass verge on the opposite side of Town Meadow Lane, this gives the street scene a noticeably open and pleasant feel.
5. The timber fence has been erected directly against the back edge of the pavement on Town Meadow Lane and against the grass verge along Wastdale Drive. At some 1.7 metres tall, it is in stark contrast to the low railings, walls and fences which enclose the frontages of the other properties within the row. I am mindful that the submitted plan shows the gate and the section of the fencing which is directly in front of the principal elevation of the host dwelling being reduced to a height of 1.2 metres. However, a large section of tall fencing would remain and this would not sufficiently mitigate the harmful visual impact in my view.
6. Despite a petition which appears to demonstrate widespread local support, I therefore find that the existing fencing does appear (and the amended fence as

shown on the submitted plan would appear) as an incongruous and overly prominent feature, unduly harmful to the largely open character of the street scene. In such terms, it conflicts with policy HS11 of the adopted Wirral Unitary Development Plan, which promotes high quality development that does not have 'an adverse effect on the area in general'.

7. I am mindful that the fencing has provided a secure space for the Appellant's wife who suffers from anxiety and agoraphobia, as confirmed by a doctor's letter, and this has enabled her to feel more comfortable enjoying the outside space. I am also mindful that it has increased privacy and provides a secure space for the Appellant's dogs. Whilst I have sympathy with the personal circumstances of the Appellant's wife, nothing I have seen or read convinces me that a more visually acceptable scheme could not deliver similar benefits. In any event, these matters do not outweigh the significant visual harm I have identified.
8. In addition, the Appellant refers to other tall fences within the local area. However, the Appellant accepts that these do not benefit from planning permission and therefore I attach limited weight to them. Moreover, I have considered the development before me on its individual merits and in the context of the particular section of the street scene which it sits.
9. Finally, I am mindful that the Appellant has expressed dissatisfaction with the manner in which the application has been dealt with. Whilst this is regrettable, it is not a matter for me to consider.
10. I therefore conclude that the fencing unacceptably harms the character and appearance of the street scene, contrary to the development plan policy outlined above. The arguments advanced by the Appellant do not outweigh this harm and the associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR