



Appeal Decision

Site visit made on 30 March 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2022

Appeal Ref: APP/A2335/D/22/3293576

250 Willow Lane, Lancaster LA1 5UA

- 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 & Mrs Mark & Emily Hutchinson-Lyons against the decision of Lancaster City Council.
 - The application Ref 21/01177/FUL, dated 21 September 2021, was refused by notice dated 7 December 2021.
 - The development proposed is the erection of boundary fence and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at the site visit that the boundary fence and gates have already been erected and consent is therefore sought retrospectively. I have determined the appeal on this basis.

Main Issue

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

Reasons

4. Policy DM29 of the Development Management Development Plan Document seeks, amongst other matters, that new development contributes “positively to the identity and character of the area”. Also referred to in the decision notice, Section 12 of the National Planning Policy Framework (the Framework) that seeks to achieve well-designed places.
5. The appeal property is located in a prominent position on the south side of Willow Lane, therefore while the property is within the urban area it is none the less adjacent to and often viewed within the context of open agricultural fields behind.
6. The fence and gates facing directly on to Willow Lane, the main road through the residential estate, have the appearance of a close boarded timber ‘palisade’ along the boundary to the highway, including the elevation of the garage.
7. Immediately behind the fence remains the boundary wall and the side elevation of the garage. The submitted plans show that the fence is taller than the wall, which the appellant details is to improve privacy of the residents and to conceal

the wall, the appearance of which is identified as deteriorating. The overall height of the fence is given by the Council as being approximately 2.2m.

8. I saw at the site visit that the local area includes numerous examples of boundary treatments to the side gardens of properties, many of which were of a comparable length to the appeal scheme. However, there was a general conformity with regards the height of boundary treatments that I saw, the vast majority of which appeared to be approximately 1.8m high.
9. As a result of the prominent position of the appeal property and the height of the fence I find that the appeal scheme is an incongruous feature in the local area and thus harms the character and appearance of the area, contrary to Policy DM29 of the Development Management Development Plan Document and the provisions of the Framework.

Other Matters

10. On the basis of the evidence before me it is clear that the existing boundary wall was of a poor appearance before the erection of the boundary fence which now effectively conceals the wall and side elevation of the garage, this is also referred to be a local resident. While this is a material consideration that weighs in favour of the appeal scheme, it is my planning judgement that it does not outweigh the harm to the character and appearance that I have previously identified.
11. The appellant details the fence increases the privacy of the residents. However, I do not have any substantive evidence before me that persuades me that the height of the fence, detailed by the council as being 2.2m, is necessary to afford the residents privacy. As such this does not outweigh the harm to the character and appearance that I have previously identified

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR