



Appeal Decision

Site visit made on 4 May 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/N4205/W/21/3287530

48 Aintree Road, Little Lever, Bolton, Lancashire BL3 1EP

- 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 David Cole against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 10964/21, dated 6 April 2021, was refused by notice dated 31 August 2021.
 - The development proposed is described as 'Relocation of a 1.95m high boundary fence to edge of footpath to front, to increase enclosed/safe domestic amenity/garden space - with single storey detached garden outbuilding/garden shed/room... and resiting of 2 x off road parking spaces (for 3 x bed dwelling) to side of property off York Ave (culdesac) inc drop kerbs/VCL etc.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their statement the appellant refers to a revised scheme that would omit the shed from the proposal. However, I have not been provided with an alternative set of plans or drawings. In any case, I am mindful that the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's (LPA) reasons for refusal, and instead a fresh planning application should usually be made¹. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issue

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

Reasons

4. 48 Aintree Road is a dormer bungalow occupying a prominent corner plot location at the junction with York Avenue. Most of the front boundaries along the street, and in the surrounding area, are marked by low walls or fences with planting behind, giving the street a pleasant soft-landscaped and spacious character.
5. The proposal would introduce a 1.95 metre high close boarded fence along part of the front boundary to enclose the existing parking area, incorporating this into the garden. A 2.5 metre high garden building is also proposed and would be located

¹ Annexe M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

within this extended garden area, positioned forward of the dwelling's principal elevation.

6. Given its height, solid appearance, and positioning to the front of the dwelling, the fence would be a large and visually obtrusive feature that would be at odds with the prevailing character of the surrounding area. Furthermore, there are no other garden buildings positioned to the front of dwellings in the immediate surrounding area. Accordingly, a garden building at this location would significantly draw the eye, resulting in a discordant addition to the street scene. This would detract from, and fail to contribute positively to, the overall character of the area.
7. I appreciate the appellant's desire to make the property more secure and to provide privacy to the garden area. However, I am not persuaded that the proposed boundary treatment would be the only way to achieve these aims, particularly as lower and more sympathetic boundary treatments appear to be securing the boundaries of neighbouring properties in the area without issue.
8. The appellant has drawn my attention to a number of tall fences that exist in the surrounding area, and I was able to see some of these during my visit. However, it is not clear if these other fences benefit from planning permission, and none of these other boundary treatments appear to be directly comparable to the appeal scheme in respect of scale, design and positioning in relation to the host dwelling. In any case, the existence of these other fences does not justify the harm I have found in this case. Indeed, many of these other cases merely exemplify why similar forms of development would not be appropriate at the appeal site.
9. For these reasons, I find that the development would harm the character and appearance of the surrounding area contrary to Policies CG3 and OA6 of Bolton's Core Strategy Development Plan Document, adopted in March 2011. Together these policies seek to ensure that development is compatible with the surrounding area, having regard to the overall built and landscape quality of the area.

Other Matters

10. The appellant has raised several concerns in relation to the LPA's handling of the planning application, including evidence of a formal complaint. However, these essentially procedural matters are beyond my remit, which is confined to a consideration of the planning merits of the appeal. I also note the lack of any objections from neighbours, but this does not provide a justification for allowing the appeal.
11. I acknowledge that the appellant has lived in the appeal property for a considerable number of years, and I appreciate their desire to enlarge the private garden area for the benefit of their growing family. Accordingly, I take no pleasure in frustrating these efforts, but these factors do not outweigh the harm I have found and do not, therefore, lead me away from my conclusion.

Conclusion

12. The proposed development would be contrary to the policies of the development plan and no considerations of sufficient weight have been put forward to outweigh this conflict. Therefore, for the reasons given, the appeal is dismissed.

J M Tweddle

INSPECTOR