



Appeal Decision

Site visit made on 30 June 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2022

Appeal Ref: APP/E2340/D/22/2397236

2 Hoarstones Avenue, Fence, Burnley, Lancashire, BB12 9DZ

- 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 Miss Francesca Barratt against the decision of Pendle Borough Council.
 - The application Ref: 21/0776/HHO, dated 13 September 2021, was refused by notice dated 27 January 2022.
 - The development proposed is: "erection of fence along southern boundary".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a fence along the southern boundary at 2 Hoarstones Avenue, Fence, Burnley, Lancashire, BB12 9DZ in accordance with the terms of the application, Ref: 21/0776/HHO, dated 13 September 2021.

Procedural Matters

2. Although it differs from that given on the application form, I have taken the description of the development from the wording on the decision notice as it more concisely describes the proposal.
3. The proposal is retrospective, as the fence has already been erected. Therefore, I intend to consider the appeal on the basis of the proposal being for the retention of the fence as shown on the submitted plans.

Main Issue

4. The main issue is the effect of the fence on the character and appearance of the street scene in St Anne's Drive and the character and appearance of the surrounding area.

Reasons

5. The appeal property occupies a corner site in a modern residential development within the village. The fence, which is about 1.8m high, extends for about 15m along the St Anne's Drive frontage and abuts the rear edge of the footway.
6. Policy ENV2 of the Pendle Local Plan, adopted 2015, (LP) encourages high standards and quality of design and says the siting and design of development should be in scale and harmony with its surroundings. Further guidance is given in the Design Principles Supplementary Planning Document (SPD) which says the style and materials of fences and gates should match, or be in

- harmony with, the style of the area. It adds that fences and gates are not normally permitted on open plan estates.
7. The treatment of front boundaries in the area is varied, although the majority comprise low walls with hedges or other vegetation above. However, there is a close-boarded fence of similar height to the appeal proposal further along St Anne's Drive, although this is set back from the pavement.
 8. Overall, there is no marked consistency or uniformity in boundary treatments along St Anne's Drive and although spaciouly laid out and well landscaped with front gardens mainly visible from the street, it is not part of an 'open plan' estate. In my view the area is typically suburban in character and exhibits no strong prevailing character or especially local distinctiveness.
 9. Given the variety of boundary treatments along St Anne's Drive and the area generally I do not agree with the Council that the proposed fence would appear incongruous or would constitute poor design. I consider that the materials, height and neat design of the fence would be appropriate in this context, and not out of keeping with the appearance of the street scene.
 10. My overall judgement is that the fence would not materially harm the street scene in St Anne's Drive and the character and appearance of the surrounding residential area. As such, I find no conflict with the relevant criteria of LP Policy ENV2 and advice in the SPD.
 11. The Council has suggested conditions requiring the development to begin with 3 years, to be carried out in accordance with the approved plans, and for the materials to match those of the existing dwelling. However, as the development has already taken place, the commencement condition will not be imposed, and no other conditions are necessary.
 12. I note the concerns of a local resident that the fence is higher than the maximum 1.0m normally permitted on the highway boundary and would be visually not in keeping with the surrounding neighbourhood. Nonetheless, whilst I note these concerns, none is sufficient to alter the considerations that have led to my conclusion.
 13. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR