



Appeal Decision

Site visit made on 31 May 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/R0660/D/22/3297428

26 Meakin Close, Congleton CW12 3TG

- 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 Dr Matt Lynch against the decision of Cheshire East Council.
 - The application Ref 21/5303C, dated 15 October 2021, was refused by notice dated 10 February 2022.
 - The development proposed is the erection of a boundary fence (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a substantial amount of superfluous explanatory information in the description of development as it is shown on the application and appeal forms, as well as the decision notice. To that end, for ease of reference and to best identify the development subject of the appeal, I have suggested to the main parties I shall describe the development as it has been presented above. I have received no objections. I have proceeded on this basis.

Main Issue

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

Reasons

4. Henshall Hall Drive (the Drive) is a spine road that provides access from the A527 Biddulph Road through the housing estate. The Drive is wide, with a grass verge and a pedestrian footpath to either side. The side and rear elevations of dwellings present themselves to both sides of the road. The predominant boundary treatments along the Drive are brick walls and soft landscaping, which provide a sense of openness and attractiveness which contribute positively to the character and appearance of the Drive and create a strong sense of place.
5. The appeal site is located on a corner plot, bounded by the Drive and the Macclesfield Canal. The canal is separated from the appeal site by a grass verge and pedestrian footpath. The predominant boundary treatment adjacent to this footpath is closed boarded fencing, screened by soft landscaping. The dwelling opposite the appeal site (located on the corner of Minton Close and the

Drive) has a grass lawn to the front and side of the property that is open to both roads, providing a pleasant and spacious character.

6. The fence has been erected closer to the pavement than the former brick boundary wall (that is largely still in-situ behind the fence). The siting of the fence is inconsistent with the siting of existing boundary treatments along the Drive, resulting in the fence being prominent within the street scene. Given its height, use of materials and overall length, the fence appears stark and incongruous, reducing the spacious character of the surrounding area.
7. The fence therefore harms the character and appearance of the area, as such, it is contrary to Policies SD1, SD2, SE1 and SE4 of the Cheshire East Local Plan and the Cheshire East Design Guide Supplementary Planning Document. Together, and amongst other things, these policies seek to ensure that developments provide a locally distinct, high quality, well-designed environment and contribute positively to an area with appropriate height, scale, form, materials and relationship to the street scene.

Other Matters

8. The loss of the vegetation between the wall and the footpath has removed an obstruction to the footpath. However, this could also be achieved by regularly maintaining the vegetation. No compelling evidence has been provided to substantiate the claim that the wall is in a dangerous state and needs to be demolished. In any case, no details are before me to demonstrate that the development is the only means of providing a safe boundary or improve security to the property or that the boundary treatment must be constructed closer to the Drive and the canal. I therefore attach little weight to these matters.
9. The appellant has provided examples of other fences in the area. However, other than a photograph, no details were provided as to their precise location or planning history and therefore it is not known whether planning permission was obtained or indeed required. In any event, each application must be decided on its own individual merits.

Conclusion

10. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Berry

INSPECTOR