



Appeal Decision

Site visit made on 5 May 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th July 2022

Appeal Ref: APP/E2734/D/22/3294579

11 Stone Rings Lane, Harrogate HG2 9HY

- 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 Mrs Catherine Charlton against the decision of Harrogate Borough Council.
 - The application Ref: 21/05252/FUL, dated 3 December 2021, was refused by notice dated 8 February 2022.
 - The development proposed is erection of privacy fence and planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I noted that a vertical boarded timber fence has been erected in a similar position to that shown on the drawing which was submitted to the Council with the application¹. However, the fence on site differs to that in the drawing. Consequently, I am not considering this appeal retrospectively and, for the avoidance of doubt, I have determined it on the basis of the drawing submitted with the application and upon which the Council made its decision.
3. There are ambiguities in the appellant's evidence concerning the height of the proposed fence, which is stated to be 1.6m in the application form, 1.5m on the drawing submitted with the application and 1.4m in the statement of case. As above, for the avoidance of doubt, I have determined the appeal on the basis of the drawing submitted with the application and upon which the Council made its decision. I am satisfied that the interests of the parties have not been prejudiced by this approach.
4. The Council's delegated report refers to an application at the same property for the installation of timber gates and wrought iron security railings which is pending consideration². For the avoidance of doubt, that proposal is not before me as part of this appeal and my decision relates solely to the development proposed as set out in application ref: 21/05252/FUL.

Main Issue

5. The main issue is the effect of the proposed fence on the character and appearance of the appeal site and the surrounding area.

¹ Drawing Number: 128/01 Rev B. Block Plan.

² Application Ref: 21/05454/FUL.

Reasons

6. The appeal site occupies a prominent position on the corner of Stone Rings Lane and Stone Rings Close on the outer edge of a suburban residential area. No 11 Stone Rings Close (No 11), is a detached dwelling, situated within a generous mature garden which includes a former quarry. The property is set back from and well below the highway and accessed via a steeply sloping drive. The extensive boundary to the property is enclosed along Stone Rings Close by a high hedge; and bound along Stone Rings Lane by a combination of a concrete post and green wire fence and a vertical boarded timber fence, the latter having replaced a post and rail timber fence.
7. Development in the surrounding area, both to the north and south of Stone Rings Lane, is generally characterised by an open plan form, with many dwellings possessing no boundary treatment at the front and sides. This, in conjunction with the wide highways, mature trees and established vegetation in the locale, impart a spacious feel and pleasant verdant appearance to the area. Of the boundary treatments which are present, these mostly comprise low walls and/or hedges. Consequently, their existence does not markedly diminish the positive qualities of the area as a whole.
8. The proposed development comprises the erection of an approximately 40m long, 1.5m tall, vertical boarded timber fence, positioned along the Stone Rings Lane frontage, adjacent to the junction with Daleside Road. It would be stained a dark brown colour and incorporate five, 2m wide 'relief panels' at intervals along its length. These would be set back 115mm from the main line of the fence to allow a mix of climbing plants to be planted and grow in front of them.
9. The proposed fence's solid close-boarded design, substantial height and extensive length would cause it to be wholly at odds with the prevailing open plan form and spacious characteristics of the area. These factors would also cause it to be unduly conspicuous when viewed from adjacent public routes, highlighting its discordance in the street scene. As a result, the distinctive open character and intrinsic soft-landscaped appearance of the site and the surrounding area would be detrimentally undermined.
10. I acknowledge that these harmful effects would be mitigated to an extent by the staining of the timber and the incorporation of relief panels and planting, and I note that the appellant is willing to accept conditions to secure and retain these aspects of the proposal. Nevertheless, with regard to the proposed planting, given its position on the external face of the fence, I am not sure that it would be able to successfully establish itself to adequately screen the relief panels. In any event, even if I accepted that the planting would be able to grow in this location, it would still only screen approximately 50% of the length of the fence. Moreover, even when combined with the staining, these measures would not be sufficient to overcome the fundamental objections to the fence's form, height and length and its incompatibility with the identified character and appearance of the area.
11. In coming to my decision, I have given careful consideration to the reasons submitted by the appellant for the proposed fence, including privacy, security and safety. I also note the many representations made by interested parties in support of the proposal.

12. Nonetheless, no substantive or compelling evidence is before me which confirms that the privacy of the appellant or the general security of the site are such significant issues that they warrant a fence of this form, height and length. Even if I accepted this to be the case, I am not persuaded that these matters, along with others raised such as littering, could not be adequately addressed by an alternative boundary treatment and other measures, which would have a less harmful effect on the character and appearance of the site and the surrounding area.
13. Furthermore, whilst I acknowledge the concerns of the appellant regarding the safety of road users travelling along Daleside Road towards Stone Rings Lane, no robust technical evidence has been presented which verifies that the fence, as proposed, would be structurally capable of stopping a vehicle at this junction. This limits the weight I attach to this matter in my determination of the appeal.
14. The appellant has drawn my attention to what are stated to be comparable timber fences at properties located near to No 11. I recognise the similarities between the fences cited and the proposal before me. However, I am not certain that they have planning permission and, as such, their presence does not justify the appeal proposal.
15. Drawing all of the above together, I conclude that the proposed fence would have a harmful effect on the character and appearance of the appeal site and the surrounding area. In these respects it would not comply with Policy HP3 of the Harrogate District Local Plan 2014-2035, adopted March 2020, which requires development to incorporate high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the district's local distinctiveness. Nor would it accord with guidance in the Council's House Extensions and Garages Design Guide Supplementary Planning Document, 2005, which sets out that, generally timber panel fences to boundaries with the public highway or at the edge of settlements will not be accepted. It would also conflict with Paragraph 130 of the National Planning Policy Framework, 2021, in so far as it aims to ensure that developments are visually attractive, sympathetic to local character and establish or maintain a strong sense of place.

Conclusion

16. The proposal conflicts with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR