The Planning Inspectorate

Appeal Decision

Site visit made on 12 July 2022

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/T4210/D/22/3294815
The Coach House, Foot O Th Rake, Ramsbottom, Bury BL0 9HE

- 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 Mark Foulger against the decision of Bury Metropolitan Borough Council.
- The application Ref 67485, dated 15 August 2021, was refused by notice dated 22 December 2021.
- The development proposed is the erection of wooden slatted fence on top of existing stone wall to the side of the property adjacent to The Rake.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have omitted the superfluous additional commentary from the description of development as it is shown on the planning application form. The description is shown as it is above on the appeal form and decision notice. I am satisfied therefore that no party will be prejudiced by my use of it. At my site visit I saw a fence in place which correlates with that shown on the submitted plans. The appeal therefore seeks retrospective planning permission.

3. An amended plan has been submitted with the appeal which indicates removal of part of the fence along the boundary with the Rake. However, the appeal process should not be used to evolve the scheme and it is important that what is considered is essentially what was considered and consulted upon by the council. I cannot be certain that if I accepted the amended plan, no party would be prejudiced by my so doing. Consequently, I have determined the appeal on the basis of the fence that is currently in place and therefore the plans as originally submitted.

4. There is disagreement between the main parties over whether or not the appeal site lies within a conservation area. I have been provided with a map which indicates the boundary wall to The Coach House forms the boundary of the Ramsbottom Conservation Area (RCA). As no evidence to the contrary has been provided, I have determined the appeal on the basis that the appeal site falls within the RCA.

Main Issue

5. The main issue is whether or not the development preserves or enhances the character or appearance of the RCA.

Reasons

6. The retaining side garden boundary of The Coach House features a sloping coursed stone wall with a slatted wooden fence on top. It sits alongside a narrow vehicular access known as the Rake, which leads to an informal parking area and provides access to the rear of dwellings on Douglas Street. Steep topography and widespread use of stone walls combined with tightly knit properties and narrow lanes form part of the distinctive character and thus significance of the RCA, as identified in the Appraisal and Management Plan (2011).

7. The split-level rear garden of the appeal site is higher than the rear outdoor space belonging to properties along Douglas Street. This would generally result in overlooking between properties in the absence of screening. However, the urban form of the steep hillside gradients, layering of buildings and resultant overlooking is a particular characteristic of the area and therefore not unusual.

8. The tall, slatted fence that has been erected runs for a considerable length alongside the Rake. Given its overall height, length and prominence, it forms a large obtrusive and incongruous feature in the street scene which is at odds with the prevailing character. This is particularly evident on the lowest part of the Rake adjacent to the side entrance gate into the garden where the stone wall and fence are highest. The presence of the additional structure on top of the stone wall at this point results in a stark contrast to the surrounding buildings and boundary walls as well as the open countryside beyond.

9. The fence has a negative effect on the significance of a designated heritage asset, failing to either preserve or enhance its character or appearance. It accordingly results in 'less than substantial' harm in the context of paragraph 202 of the Framework. The harm therefore needs to be weighed against any public benefits. There is some public benefit to the provision of a protective barrier between the high-level garden and the lower, publicly accessible Rake. Other benefits suggested by the appellant are private, relating to the need for a secure and private garden. No compelling evidence or alternative scheme has been put forward to indicate this could not be achieved in another, less harmful way. As such, the public benefits do not outweigh the identified material harm to the designated asset.

10. On the above basis, the development conflicts with Policies EN1/1, EN1/2, EN2/1, EN2/2 and H2/3 of the Bury Unitary Development Plan (1997) as well as Supplementary Planning Document 6, Alterations and Extensions to Residential Properties (2010) and Development Control Policy Guidance Note 16, Design and Layout of New Development in Bury (2008) which together seek to ensure that development respects local character. It is also, for the same reasons, contrary to the heritage protection policies of the Framework.

Other Matters

11. The matter of the structural stability of the boundary wall and fence are not matters before me as part of the appeal. The merits of which consider the visual and character effects of the fence itself in the context of the RCA.

Conclusion

12. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The appeal should therefore be dismissed.

Ann Veevers

INSPECTOR