



Appeal Decision

Site visit made on 6 September 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/M0933/D/22/3303274

1 Burton Park, Burton-in-Kendal, Cumbria LA6 1JB

- 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 Jack Glenholmes against the decision of South Lakeland District Council.
 - The application Ref SL/2022/0197, dated 2 March 2022, was refused by notice dated 13 June 2022.
 - The development proposed is erection of fence within the boundary of the garden wall to the side and rear of the property, not exceeding 2.00m in height. Installation of a garden gate and additional fencing in order to secure the rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the fence and gate on the dwelling and the character and appearance of the area.

Reasons

3. Number 1 Burton Park is a modern, detached dwelling, in a small development of detached and semi-detached dwellings. The house sits in a roughly semi-circular plot located on a corner. The front, side and rear elevations of the house all face adjoining roads.
4. Whilst the majority of properties within Burton Park do not have stone walls, the appeal site has a traditional stone boundary wall around the side and rear of the property where it adjoins Tanpits Lane. Stone walls are a distinctive feature along much of Tanpits Lane. These make a positive contribution to the character of the area, combined with small trees and hedges creating a pleasant, verdant setting.
5. The wide entrance into Burton Park, combined with the low stone wall around the boundary of No 1, and the lack of boundary treatments on properties to the rear of the host property, creates a feeling of spaciousness to the area.
6. Whilst the stone wall would be retained, a fence in this location, where there are few examples of timber fencing, would jar with the existing material palette. Although the appellant refers to the use of timber fencing in a number of locations within the village, I do not have the full details of these cases before me. In addition, the use of fencing for a new build would not necessarily be comparable to an established property in the centre of the village.

7. As a corner plot, the boundary of the dwelling is extensive, therefore requiring a long length of fencing stretching around the side and rear of the property. The appellant has stated that the fence would only be at full height on the northern boundary of the site. However, the fence would be considerably higher than the existing stone wall and would contrast with the generally discrete boundary treatments in the vicinity. The fence would be highly visible and draw the eye in from views from the street. This would create a dominant feature in this location which would harm the character of the area. Whilst the fencing along Tanpits Lane would be lower, particularly at the rear, it would, because stone is the main boundary treatment in this area, create a discordant feature in this location.
8. The appellant proposes to allow the fence to 'silver' so that it would be sympathetic to the colour of the wall. However, this would take time, as would the establishment of climbing plants which would be used to cover the fence. In addition, the level of permanence of planting can vary. The growing of a hedge has been suggested by the Council as an alternative to the fence, but the appellant considers that this would create a risk to road users, although no evidence has been provided to support this.
9. The appellant considers that as there were no objections to the proposal, the impact would be minimal. The construction of the fence would, however, enclose the side and rear garden. As No 1 is a corner property, the increase in height of the boundary, the use of timber and the overall length of the fence, would create an incongruous feature. This would erode the spaciousness that currently exists within the area.
10. Therefore, to conclude on the main issue, the proposal would harm the character and appearance of the site and the area. It would not comply with South Lakeland Local Development Framework Core Strategy, October 2010, Policies CS1.1, CS8.2 and CS8.10 and Policies DM1 and DM2 Local Plan Development Management Policies, adopted 28 March 2019 and paragraph 130 of the National Planning Policy Framework. These policies combined require high quality design, and the protection and enhancement of local settlement character.

Other Matters

11. Whilst it is appreciated that the appellant wishes to construct a fence in order to make them feel secure and less vulnerable, no evidence has been provided to show that this is the only way of achieving the security they require.
12. The appellant has highlighted the conduct of the Council, however, how the application was dealt with does not affect my decision.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
14. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR