



Appeal Decision

Site visit made on 13 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/E2734/D/22/3304988

Springfield, York Road, Knaresborough, HG5 0TT

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 Adam Shelverton against the decision of Harrogate Borough Council.
 - The application Ref 22/01223/FUL, dated 17 March 2022, was refused by notice dated 22 June 2022.
 - The development is the erection of a perimeter fence and pedestrian gate adjoining the highway.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a perimeter fence and pedestrian gate adjoining the highway at Springfield, Knaresborough, HG5 0TT in accordance with the terms of the application, Ref 22/01223/FUL, dated 17 March 2022, and plans Ref. PL(01) and (PL)12, subject to the following condition:
 - 1) The fence hereby approved shall be painted dark green on its northern and western elevations within a period of 3 months from the date of this decision and shall thereafter be maintained as such.

Preliminary Matters

2. A fence has already been erected at the site which appears to be as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the streetscene.

Reasons

4. Springfield is a detached dwelling with a spacious front garden, at a markedly lower level than York Road. Access is from a shared private drive slightly further along. The dwelling is well screened from the road by thick hedging and vegetation along the banking including very large trees. The subject of this appeal is a high timber close boarded fence stretching along the whole front boundary, with a short extent continuing perpendicular to meet the driveway. The fence adjoins a grassed highway verge adjacent to the carriageway, with the only footway being on the opposite side of the road.

5. Most front plot boundaries in the immediate vicinity comprise high hedging, alongside some low walls with planting. This contributes to an attractive and verdant character, particularly enhanced by the mature trees within and alongside the subject property. However, this is set within a wider context of vistas along this stretch of York Road which are bookended by new roundabouts. These lead to developments of large housing sites still under construction, and a supermarket, with frontages including open space areas, expanses of timber fencing, and a car park. Together this creates the wider impression of a relatively suburban location.
6. The previous hedgerow and vegetation boundary would have blended completely with the context and tradition of the surrounding hedges, compared to the current fence which does stand out to some extent. However, the depth and significant height of the surrounding mature vegetation as a large backdrop draws substantial attention and means that the fence's impact is softened and not significantly stark, notwithstanding seasons with reduced leaf cover. Because there is no adjacent pedestrian footway, views are predominantly either from travelling vehicles or from the opposite side of the road, ensuring that this wider backdrop is a key part of the vista. The deep shadow thrown over the whole verge by the trees also contributes to this blending, albeit this would vary by time and season.
7. While York Road is a key approach to the tourist town of Knaresborough, its changing character apparent due to the ongoing development to its north and the new roundabouts means that I find less need for the full extent of hedging boundaries to be retained. Overall, the fence causes only slight harm to the character and appearance of the streetscene.
8. If the fence were painted dark green, it would blend even better with the surrounding vegetation than the current natural colour, and I am mindful that this could be imposed as a requirement via condition. This would further reduce the harm arising.
9. In addition, both parties appear to agree a potential fallback position under permitted development rights which would allow for up to a 1.0m high fence to be erected. I believe there to be a real prospect of implementation of such a fence, due to the appellant's stated needs for security, safety for their child and dog, and because it would be relatively simple to erect. I therefore give this fallback significant weight as a material consideration. Importantly, the fallback would not allow for control over any colouring, and thus a lower natural coloured fence would also cause slight harm to the appearance of the streetscene for the same reasons as outlined above. Overall, a taller but green fence would have slightly less impact and is therefore preferable.
10. As a further material consideration, the Council's House Extensions and Garages Design Guide Supplementary Planning Document (2005) includes guidance on fences in order to maintain good character and to reflect local tradition. It states that generally timber panel fences to boundaries with the public highway or at the edge of settlements will not be accepted. This is therefore not an absolute requirement and, in this instance, the other considerations outlined above outweigh this guidance.
11. While there would be some conflict with the Harrogate District Local Plan (2020) Policy HP3 and the National Planning Policy Framework (2021), which aim for proposals to incorporate high quality design that respects the spatial

qualities of the area including visual relationships, I have found material considerations in this case to indicate otherwise that the development would not result in an unacceptable impact on the character and appearance of the streetscene.

Conditions

12. I have imposed a condition to secure a 3 month timescale for the implementation of a dark green painted finish to the fence, because this will make it blend in better with the surrounding vegetation. The timescale is to ensure that this required improvement of key impact to the character and appearance of the area is implemented as soon as possible, to make the development acceptable in planning terms.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude the development would accord with the development plan taken as a whole, and therefore that the appeal should be allowed.

L Hughes

INSPECTOR