
Appeal Decision

Site visit made on 17 October 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/A2335/D/22/3307253

250 Willow Lane, Lancaster LA1 5UA

- 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 & Mrs M Hutchinson-Lyons against the decision of Lancaster City Council.
 - The application Ref 22/00546/FUL, dated 2 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is a fence and gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. A fence and gates have already been erected to the side of the detached dwelling. Such development was the subject of an appeal in March of this year¹. The Inspector dismissed that appeal primarily on the basis of the height of the fence. He commented that the development as a whole was at odds with other boundary treatment in the area which mainly measured about 1.8 metres in height and hence considered that it caused harm to the character and appearance of the area owing to its prominent position immediately adjacent to Willow Lane.
4. The appellant has attempted to address the concerns raised by the previous Inspector in so far that this appeal proposal seeks to reduce the height of the already erected fence in part to about 1.8 metres, but retaining for about a length of approximately 9.4 metres a fence of some 2.2 metres where it abuts the main outside amenity space associated with the host property. In addition, it is proposed to remove part of the fence that has been erected immediately alongside the side elevation of the detached garage.
5. There is no doubt that the appellants have made some positive steps to address the harm identified by the previous Inspector. Nonetheless, I find that the proposed alterations to the existing fence would still mean that as a whole it appeared out of place in the street-scene. The part of the fence at 2.2 metres

¹ APP/A2335/D/22/3293576

in height would appear dominant and intrusive when seen by those using Willow Lane. Other fences in the area are generally lower in height and include posts that break up the long mass of boundary treatment. In addition, unlike the appeal proposal they tend to have an overall regularity to their height. Owing to the varied height of the fence, I find that it would detract from what is otherwise appreciated as being simpler and less dominant edges to the residential plots in this street.

6. The appeal site adjoins open countryside. As part of my site visit, I was able to appreciate views between the residential properties towards a more open and rural environment. The highest part of the proposed fence would have the effect of enclosing these characterful views when experienced by users of Willow Lane. In this regard, the proposal would therefore cause further unacceptable harm to the character and appearance of the area.
7. For the above reasons, I conclude that the proposed development would constitute poor design and would have a materially harmful impact on the character and appearance of the area. It would not therefore accord with the design, character and appearance requirements of policy DM29 of the adopted Local Plan for Lancaster District 2011-2031 (Part 2 Review of the Development Management DPD) July 2020 and chapter 12 of the National Planning Policy Framework 2021.

Other Matters

8. In reaching my conclusion above, I am cognisant that the fence conceals a rendered wall, of about 1.6 metres in height, which it is claimed was in need of some repair and maintenance. This in itself does not justify the appeal proposal as there is no reasonable evidence before me to suggest that it would not have been possible to separately repair and/or maintain the wall.
9. While I acknowledge the appellants' desire to make the outside amenity space more private for the whole family given the proximity of a bus stop, there is nevertheless no evidence before me to explain why the appellant did not consider less harmful and intrusive options such as for example the planting of a semi-mature hedge behind a repaired/maintained wall.
10. I acknowledge the support provided by the occupiers of 252 Willows Lane and 8 Kennedy Close. Nonetheless, it has been necessary for me to consider the effect of the development on the character and appearance of the area as a whole.
11. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

12. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR