



Appeal Decision

Site visit made on 4 October 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/C4235/D/22/3302318

59 Ogden Road, Bramhall, Stockport SK7 1HN

- 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 Tony Goldstein Elias against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/085016, dated 16 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is the erection of boundary fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised plan and explanatory note in respect of alterations to the proposed fencing have been submitted with the appeal. These indicate that the height and length of the proposed fencing could be reduced. However, the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. The suggested revisions are a significant alteration from the original scheme, and from that which formed the original application. Given the context of the site, and the objections that have already been raised, I also consider that interested parties would be prejudiced if the amended plans were considered without further consultation. I have therefore determined the appeal on the basis of the original plans submitted with the application.

Main Issue

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

Reasons

4. The appeal site is situated on a prominent corner location next to the junction of Ogden Road and Derwent Drive. The majority of the dwellings in the locality have open plan grass frontages with very low boundary walls, and/or trees, hedgerows and shrubbery. A key feature of the area is also the way in which hedgerows define and enclose the side and rear garden areas of dwellings on corner plots. These factors combine to present soft landscaped edges to the estate roads which positively contribute to the prevailing spacious, and relatively green suburban character of the area.
5. The Council accept that the proposed one metre high fence fronting Ogden Road would constitute permitted development under the provisions of the Town

- and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). As such, it has raised no objection to this element of the proposal, and I have no substantive reason to question this.
6. I also recognise that the proposed fencing along Derwent Drive would only be one metre higher than what is permitted under the GPDO. Nonetheless, due to its solid timber panel materials, and its approximate 2 metre height, position and length, spanning the majority of the eastern boundary of the site, it would present a robust, dominant and conspicuous enclosure. This would appear incongruous in the context of the prevailing open and spacious softly landscaped character of the area. Due to its corner location, the discordant effect of the proposal would be clearly visible from 2 streets and a number of neighbouring properties.
 7. It has been put to me that the site suffers from fly tipping, anti-social behaviour and fire damage. However, I am mindful that the Council's Supplementary Planning Document entitled 'The Design of Residential Development' 2007 (SPD) lists different types of boundary treatments that have a number of purposes. These include providing security and articulating the divide between public and private space. Furthermore, the majority of the corner plots' side and rear garden spaces in the locality are adequately screened and defined by tall boundary hedges, which assimilate more appropriately with their surroundings. It has therefore not been clearly demonstrated that the proposed fence is the only practical means of ensuring adequate privacy levels and the immediate security of the site.
 8. My attention has been drawn to other examples of timber fencing in the area. However, I saw that these are very much in the minority on my site visit, and I do not have the full details of the circumstances that led to them being accepted. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the appeal proposal. Any personal benefits to the appellant in respect of the proposed fence and the limited maintenance when compared to a hedge, along with the time it would take a hedge to become established, and its potential height, do not overcome or outweigh the harm that I have identified above.
 9. I therefore find that the proposed development would unacceptably harm the character and appearance of the area. As such it conflicts with Policy SIE-1 of the Stockport Metropolitan Borough Council Core Strategy Development Plan Document (2011) and saved policy CDH1.8 of the Stockport Unitary Development Plan Review (2006), which together, amongst other things, seek to ensure that development has regard to the built environment and does not adversely affect character. For similar reasons, conflict would also arise with guidance within the SPD and the design objectives of the National Planning Policy Framework, as advised in Section 12.

Conclusion

10. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR