
Appeal Decision

Site visit made on 23 November 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2022

Appeal Ref: APP/E2734/D/22/3304676

2 Farndale Road, Knaresborough HG5 0NY

- 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 Dale Evans against the decision of Harrogate Borough Council.
 - The application Ref 21/04163/FUL, dated 20 September 2021, was refused by notice dated 25 May 2022.
 - The development proposed is To erect wooden fence to partial front of house to match existing and to continue to side of house 1800mm high. To erect summerhouse/shed to side of house 2380mm high 3140mm wide 2640mm long made of timber.
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Decision

1. The appeal is allowed. Planning permission is granted to erect wooden fence to partial front of house to match existing and to continue to side of house 1800mm high. To erect summerhouse/shed to side of house 2380mm high 3140mm wide 2640mm long made of timber at 2 Farndale Road, Knaresborough HG5 0NY in accordance with the terms of the application Ref 21/04163/FUL dated 20 September 2021.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have considered the appeal on that basis.
3. At the time of my visit a fence and shed were in place at the site. They appeared to broadly accord with the plans, however for the avoidance of doubt my determination is made on the basis of the submitted plans.

Main Issue

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

Reasons

5. Properties within the residential estate to the north and west often incorporate open boundaries to their frontages with the roads. There are examples of fencing that is visible from public areas, particularly where rear gardens share a boundary with the roads.

6. Eastfield, which runs to the south of the appeal property incorporates prominent tall timber fencing which forms the rear boundaries of properties to the south.
7. The fencing arrangement at the appeal site does allow for an open section to the boundary with Farndale Road, which has a more open character. Within that context, the wooden fence has no significant adverse impact on the character and appearance of the area.
8. The summerhouse/shed is set behind the fence and is provided with the same colour finish. It is not significantly taller than the fence and is largely screened by it and is set to the side of the dwelling.
9. It is not uncommon within the area to see larger garden structures from public areas, particularly where those gardens are adjacent to the roads. The shed also therefore has no significant adverse impact on the character and appearance of the area.
10. The SPD¹ states that generally, timber panel fences to boundaries with the public highway will not be accepted. However, the use of the word 'generally' indicates that there may be some circumstances where local conditions indicate they would be acceptable, such as in this instance as detailed above.
11. There is no conflict with the SPD in this regard. I have not identified conflict with the SPD insofar as it relates to other outbuildings given the position of the summerhouse/shed in relation to the dwelling.
12. There would therefore be no conflict with Policy HP3 of the Harrogate District Local Plan (2020) (HDLP) which amongst other things requires that development should incorporate high quality building design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments. There is no conflict with Policy HP4 of the HDLP which is concerned with protecting amenity and which is before me.

Conditions

13. The time limit and approved plans conditions suggested by the Council are not necessary given that the development appears to be complete.

Conclusion

14. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

¹ Harrogate Borough Council – House Extensions & Garages – Design Guide – September 2005.