
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/W/22/3302045

2 Bishopton Lane, Ripon, North Yorkshire HG4 2QN

- 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 Richard Davill against the decision of Harrogate Borough Council.
 - The application Ref 22/01127/FUL, dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is Fence to secure perimeter of corner plot of house, to a height of 1.8m. house is exposed to a busy highway and presents a Security and privacy concerns without the fence of such height.
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Decision

1. The appeal is allowed. Planning permission is granted for fence to secure perimeter of corner plot of house, to a height of 1.8m at 2 Bishopton Lane, Ripon, North Yorkshire HG4 2QN in accordance with the terms of the application Ref 22/01127/FUL dated 29 March 2022 subject to the following condition:

1) Notwithstanding the details shown on site plan reference TQRQM22088170811134, the 1.8m wood fence shall not extend across the boundary of the site in front of the principle, front elevation of 2 Bishopton Lane, Ripon, North Yorkshire HG4 2QN.

Procedural Matters

2. The description on the application form is adequate to describe the proposal although I have amended this in the formal decision above to omit wording which seeks to address the suggested merits of the scheme.
3. At the time of my visit a boundary fence was in place at the site. That which was in place appeared to broadly accord with the plan, other than that the plan shows the 1.8m wood fence extending round the boundary to be in front of the principal front elevation of the host dwelling. This did not appear to be the case on site.
4. At the time of my visit, a much lower fence was in place on this part of the boundary. The fence had also been provided with a dark stained finish. The timber posts did not have any significant projection above the panelling. For the avoidance of doubt my determination is made on the basis of the submitted plans.

Main Issue

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

Reasons

6. There are examples of taller fencing that is visible from public areas, particularly where the main garden areas of dwellings are directly adjacent to the boundary of the property with which they are associated to roads. At some locations privacy is provided through hedging to boundaries.
7. The fence, which partially sits on top of a lower brick wall serves to provide a degree of privacy to the main garden area of the appeal property which is located adjacent to and slightly lower than the well-used Clothierholme Road immediately to the north.
8. The fence therefore serves a proper purpose and within the context of other fences within the nearby area which serve similar purposes, causes no significant harm to the character and appearance of the area.
9. 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. There is no conflict with the SPD in this regard.
10. There would therefore be no conflict with Policy HP3 of the Harrogate District Local Plan (2020) 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.

Conditions

11. One is necessary, to omit the provision of 1.8m fencing to the front of the dwelling, the provision of which would not be in keeping with the character and appearance of the area where lower boundaries are common to the front elevations of dwellings.

Conclusion

12. 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.