



Appeal Decision

Site visit made on 2 November 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/E0915/D/22/3301908

1 Summerfields, Dalston, Cumbria CA5 7NW

- 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 John Meeten against the decision of Carlisle City Council.
 - The application Ref 22/0101, dated 10 February 2022, was refused by notice dated 7 April 2022.
 - The development is described as revised proposal for new boundary fence following refusal of application 21/0901.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of boundary fence maximum height 1.9 metres at 1 Summerfields, Dalston, Cumbria CA5 7NW in accordance with the terms of the application, Ref 22/0101, dated 10 February 2022 subject to the following conditions:
 - 1) The development hereby approved shall be carried out in strict accordance with the approved plans:
 - 'Site plan';
 - Drawing SLP/21/0901 'Block plan';
 - Drawing D.01 'Elevations';
 - Drawing SLP/21/0901 'Site location plan'.
 - 2) The boundary fence as shown on the approved plans shall be completed within three months of this permission.

Preliminary Matters

2. The proposal is in part retrospective as the fence has been constructed and was refused planning permission. The appeal relates to a revised application that sought to reduce the height of the fence.
3. The description of development in the banner heading above has been taken from the planning application form. However, the appeal form includes different wording which reflects the description in the Council's decision notice. I have therefore used this revised description as it better captures the development's scope. However, I have omitted the word 'revised' as this does not describe acts of development.

Main Issue

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

Reasons

5. No 1 Summerfields is a detached, modern dwelling located at the entrance of a housing estate. It is sited adjacent to a brick and glass-built telephone exchange with a compound surrounded by metal fencing and a gate; and to the side of that, by green metal fencing enclosing a children's play area. The play area is on a corner plot adjacent to a wide double road junction which provides access to the railway station, small industrial sheds and some housing. The site is therefore at the cusp between the more urban characteristics on the approach road into the village, and residential development, indicated by the Summerfields estate and the housing sited along the road leading into the village.
6. The host property is located just outside the Dalston Conservation Area. This covers an extensive area of the village. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The conservation area adjacent to the appeal site includes the road junction into the Summerfields estate and the boundary wall of No 2 Summerfields. It also includes fields on the opposite side of the road, which are fringed by hedgerows and small trees. However, there is a clear contrast in the character of the denser development of housing on the side of the road on which the appeal site is located, outside the conservation area, and the green fields and hedgerows on the opposite side of the road. Here the conservation area provides a sense of openness and a connection to the rural setting of the village, and its significance in relation to the appeal site and proposal stems from, amongst other aspects, this.
8. The proposal would be no higher than 1.9 metres, built of natural materials and curved at the top. It would match the style of fencing at No 2, which is located on the opposite side of the entrance to the estate from No 1, partly located within the conservation area and fronts the road. Timber fences are also not uncommon within the village, particularly on more recent housing development. Whilst the fencing could give the impression of being taller than it is, as the adjoining road and pavement is much higher than the ground level of the house and rear garden, the height would nevertheless be acceptable.
9. Travelling from the centre of the village to the site, the proposed fencing is set against, and blends into the background of the host property. Approaching the site from the rear, it is the substantial hedging and trees leading up to the wide access into Station Road that provides the divide between the rural fringe and the more urban characteristics found near the site. Therefore, its location adjacent to the telephone exchange, metal fencing and access road means that the fencing would not appear as a discordant feature in this part of the village.
10. The previous hedgerow at No 1 was retained when the housing estate was built. Although the fence contrasts with the original hedgerow which provided a link to the previous land use, the character of this side of the road has now changed. There is a clear distinction between the development outside the conservation area and the hedges and fields within the conservation area. Therefore, the loss of a short length of hedgerow and its replacement by a fence would be appropriate in the context of the site and its surroundings, and the conservation area and its setting would be conserved.

11. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area and the Dalston Conservation Area. It would therefore comply with Carlisle District 2015-2030 Local Plan Policies HE7 which covers development within conservation areas, and policies HO8 and SP6 which seek design appropriate to the character of the area. It would also be consistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Conditions

12. The Council has suggested conditions if the appeal was to be allowed. I have considered those with regard to the tests for planning conditions in the Framework and the Planning Practice Guidance. As works have commenced on site there is no need for the standard implementation condition. However, a condition listing the plans is needed to provide certainty over what has been approved. There is also a need for a condition to ensure that works to the boundary fence are completed within three months, as the existing fence in place has no existing permission. The Council has also suggested a condition regarding the staining of the fence. However, I consider that this is not necessary as any staining of the fence would increase its prominence, whereas the neutral shade of the existing fence blends in with the stone boundary wall and the grass verge.

Conclusion

13. For the reasons given above and having considered all other matters raised including the development plan as a whole, I conclude that the appeal should be allowed.

M J Francis

INSPECTOR