



Appeal Decisions

Site visit made on 6 December 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2023

Appeal A Ref: APP/M0655/C/22/3299885

67 School Lane, Rixton, Warrington, Cheshire, WA3 6LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Mark Mason against an enforcement notice issued by Warrington Borough Council.
 - The notice, numbered ENF/20/07847, was issued on 27 April 2022.
 - The breach of planning control as alleged in the notice is "without planning permission, the construction of a brick boundary wall with pillars and iron railings".
 - The requirements of the notice are: "remove the brick boundary wall with pillars and iron railings OR reduce the brick boundary wall with pillars and iron railings to a height no higher than 1m above ground level".
 - The period for compliance with the requirement is: 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/M0655/W/22/3298817

67 School Lane, Rixton-With-Glazebrook, Warrington, Cheshire, WA3 6LN

- 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 Mark Mason against the decision of Warrington Borough Council.
 - The application Ref 2021/39166, dated 10 April 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the erection of a wall and railings fronting School Lane.
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Decision

1. Appeal A: It is directed that the enforcement notice is varied by the deletion of 2 months and the substitution with 4 months for the period for compliance. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.
2. Appeal B: The appeal is dismissed.

Reasons – Appeal A on ground (a) and Appeal B

3. The development subject to the enforcement notice and the S.78 appeal are the same. The reason for issuing the enforcement notice and the reason for refusal of the planning application are the same. Therefore, I will deal with the ground (a) appeal and the S.78 appeal together.

4. The main issue is the effect of the development on the character and appearance of the area.
5. School Lane is predominantly a residential street although there are fields opposite Number 67 which lend a semi-rural character to the street-scene in the vicinity of the site. Where front boundary treatments exist on School Lane, they mainly consist of low walls or hedges.
6. In contrast, the boundary of the appeal site is marked by a mixture of a solid wall and a wall with railings on top which, including the pillars, reach heights varying between around 1.8m and 2.2m. This boundary treatment, due to its uncharacteristic height and partly solid construction, stands out as an obtrusive and prominent feature within the street-scene.
7. The Council's House Extensions Supplementary Planning Document (SPD) advises that solid fences and walls over 1m high will not usually be acceptable in front of houses. The tall solid wall is clearly in contravention of this guidance. Railings are not specifically referred to in the guidance but because of their height, I consider these to also be unacceptable.
8. I acknowledge that the house next door at Number 69 has front a boundary wall/fencing of a similar height. There is also a high wall on Brow Farm Cottage around the corner on Marsh Brook Close. However, regardless of whether they are lawful or not, their existence does not justify further harm.
9. I conclude that the development harms the character and appearance of the area. The development conflicts with Policy QE7 of the Warrington Local Plan Core Strategy which seeks to ensure that development reinforces local distinctiveness and is visually attractive.

The appeal on ground (g)

11. Whilst it is desirable to redress the breach of planning control without undue delay, I consider that two months is too short a time to find tradespeople to undertake the work and therefore I have extended the period to 4 months.

Conclusion

12. Appeal A: APP/M0655/C/22/3299885: For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application.
13. Appeal B: APP/M0655/W/22/3298817: For the reasons given above, I conclude that the appeal should be dismissed.

Ms Watson

INSPECTOR