
Appeal Decision

Site visit made on 10 February 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 March 2023

Appeal Ref: APP/E2734/D/22/3301592
45 Hollins Lane, Hampsthwaite HG3 2HH

- 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 Mrs Emma Kitchingham-Fox against the decision of Harrogate Borough Council.
 - The application Ref 22/00506/FUL, dated 9 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is a boundary fence – 1.6m max height
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have altered the description of the development in the banner heading from that on the application form and decision notice, to be more concise.
3. The fence that forms the subject of this appeal has been erected but, in terms of the details in the application, not yet finished. I have dealt with the appeal on that basis.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. 45 Hollins Lane is a modern semi-detached property located adjacent to the junction of Hollins Lane and Cruet Fold, close to the edge of the settlement. The surrounding area has a semi-rural character and nearby dwellings are of a variety of ages and styles. Boundary treatment along Hollins Lane varies but predominantly comprises mature hedging and/or low walls which contribute positively to the area's character. Along Cruet Fold boundary treatments are predominantly fencing. That fencing is generally low where it bounds a pavement and higher between properties and away from the road.
6. The fence which is the subject of this appeal is constructed in timber and increases in height from 1m at the junction of the two roads to 1.6m at the side. It sits immediately at the back of the footpath and extends around a curve in the road to the rear of the property where there is a close boarded

fence of a similar height. I understand that the fence replaced an earlier one although there are no details of that original fence before me. It is proposed to complete the fence with a black stain to match the fence/gate at the rear of the property. In addition, the application form indicates that additional lats are to be fixed to the fence to match fencing at the rear. I noted at my site visit that an evergreen hedge has been planted behind the fence and can be seen through it.

7. The fence, because of its height, length and position at the back of the footpath close to the road junction, is highly prominent within the street scene and can be seen for a distance along Hollins Lane. In its current state the fence appears as a prominent and stark urban feature that fails to respect the semi-rural characteristics of the wider area. Viewed from within Cruet Fold, the fence has a dominant, imposing effect, and is more enclosing than the low fencing which generally borders the street. Once additional lats are fixed to the fence it would have a more solid appearance. Accordingly, if the development were to be completed in that respect it would appear even more imposing than it currently is.
8. I recognise that being a corner plot, the side boundary needs to be made secure and accessible and, in that respect, the gated fence is of benefit to the appellant. However, I am unconvinced that a similar benefit could not be achieved by a different arrangement which did not harm the character and appearance of the area. I also accept that once the fence is stained a dark colour as is proposed, its appearance would change. Nevertheless, because of its position, height and length along Cruet Fold, the fence would still appear as an imposing and prominent feature out of character with the wider area. Whilst I acknowledge the appellant's point that the hedge is of a similar height, it has different, softer, and more natural character to that of the fencing and therefore a different effect on the appearance of the street. Accordingly, this does not justify the proposal.
9. For these reasons the proposal has a harmful effect on the character and appearance of the area. As such it fails to comply with the Policy HP3 of the Harrogate District Local Plan adopted in 2020 which requires that development should protect, enhance and reinforce those qualities that contribute to the local distinctiveness of the district's urban and rural environment, by taking account, amongst other things, of the spatial qualities of an area and its built form. There are no other circumstances before me which indicate that planning permission should be granted contrary to adopted policy.
10. Therefore, taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR