



Appeal Decision

Site visit made on 22 March 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/M0655/W/22/3306910

42 Ellesworth Close, Great Sankey, Warrington WA5 8QJ

- 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 William Smith against the decision of Warrington Borough Council.
 - The application Ref 2020/37965, dated 19 October 2020, was refused by notice dated 12 May 2022.
 - The development proposed is retrospective change of use of land from amenity to residential garden and retention of fence.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective change of use of land from amenity to residential garden and retention of fence at 42 Ellesworth Close, Great Sankey, Warrington WA5 8QJ in accordance with the terms of the application, Ref 2020/37965, dated 19 October 2020, subject to the following condition:
 - a) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (1:1250), dated: 25 October 2020
 - Site Plan (1:500), dated: 25 October 2020

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the decision notice instead of the application form, as this description from the decision notice more accurately describes the proposal. It is also shown on the appeal form, so the appellant would not be prejudiced by my use of it.
3. The fence that is the subject of this appeal has already been constructed. I have dealt with the appeal on that basis.

Main Issue

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

Reasons

5. The appeal site comprises a parcel of land to the side of 42 Ellesworth Close (No 42). No 42 is a two-storey end terrace dwelling located in a cul de sac. The site is located within an established residential area.
6. The south-eastern and northern boundaries of the appeal site face onto a public footpath which branches off Ellesworth Close and runs along the edge of Twenty Acre Wood to the north of the site.
7. Permission is sought for wooden fencing around the south-eastern and north-eastern boundaries of the appeal site. The fencing encloses the rear side garden area of No 42 and extends to part of the front garden.
8. In the surrounding area there are examples of boundary treatments, which include wooden fencing of varying heights and design. This mix of styles contributes to the varied appearance and character of the area. The fencing of the proposed development is similar in design to other nearby fences, including the fencing to the nearby dwelling at No 43 Ellesworth Close. Consequently, it is not a dominant, overbearing feature that is out of keeping with the street scene, but instead reflects the character and appearance of the area.
9. I acknowledge the Council's concern that the development has removed an area of public amenity space that provided soft landscaping. However, the site is a small, irregular shaped parcel of land that is within the residential curtilage of No 42. The fencing would be to the side of No 42, extending the rear garden area. The site is not designated as a formal open space and the fencing does not prevent access to the existing public footpath.
10. Whilst the fencing is sited alongside the public footpath to the south-east of the appeal site, there are already examples of this type of boundary fencing positioned alongside public footpaths in the nearby area. Therefore, I do not consider the development to be unusual in that respect. Moreover, the fencing would not create a sense of enclosure to pedestrians using the footpath, as it is positioned opposite open frontages of nearby dwellings.
11. Although some vegetation has been removed to facilitate the erection of the fencing, there is a remaining hedge to the front of the site which screens views of the fencing from the road.
12. On the appeal site's north-eastern boundary, the fencing abuts a grassed verge, which runs along the rear boundary of No 42. The positioning of the fencing retains this grass verge, and therefore the grass verge separates the fencing from the public footpath to the rear of the site. I observed that this separation distance was consistent with other fencing along this section of public footpath. Thus, this section of footpath would remain relatively open.
13. For the reasons given, the development would be in keeping with the street scene and the character and appearance of the area. As such, the development would accord with Policy QE7 of the Warrington Borough Council Local Plan Core Strategy (2014). Amongst other things, this policy seeks to ensure development reinforces local distinctiveness and enhances the character, appearance and function of the street scene and local area.
14. In reaching this conclusion I have had regard to the guidance contained in the Council's House Extensions Supplementary Planning Document (2021) (SPD),

which seeks to ensure development is sympathetic to local character. For the reasons above, the proposal would comply with the SPD.

Conditions

15. The Council has suggested a condition for the development to be in accordance with the submitted documents. I have considered this suggested condition together with the advice in the planning practice guidance and amended where necessary.
16. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. Therefore, in the interests of certainty, I have imposed a condition regarding the approved plans.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR