



Appeal Decision

Site visit made on 7 March 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/E2734/D/22/3311249

1 Firs Avenue, Harrogate, North Yorkshire HG2 9HA

- 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 Joanne Thornton against the decision of Harrogate Borough Council.
 - The application Ref 22/02186/FUL, dated 30 May 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the replacement of existing fence (5ft high) and hedge (10ft high) with new fence (6ft high) on Leeds Road boundary extending onto Firs Avenue boundary of property.
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Decision

1. The appeal is allowed, and planning permission is granted for the replacement of existing fence (5ft high) and hedge (10ft high) with new fence (6ft high) on Leeds Road boundary extending onto Firs Avenue boundary of property. At 1 Firs Avenue, Harrogate, North Yorkshire HG2 9HA in accordance with the terms of the application, Ref 22/02186/FUL, dated 30 May 2022, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PP-1129643 (Location Plan); PP-1126430 (Site Plan pre hedge removal and fence replacement); PP-11296430 (Site Plan location of new fence erected); photographs submitted with the application.

Preliminary Matters

2. At the time of my site visit I saw that development had taken place and a fence had been erected in the position shown on the submitted plans. For the avoidance of doubt, I have dealt with the appeal on the basis that the development has already occurred and with regard to the plans and photographs submitted.

Main Issue

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

Reasons

4. The appeal property is located on the junction of Firs Avenue with Leeds Road. Boundaries along this stretch of Leeds Road, a busy arterial route into Harrogate town centre, mostly consist of hedges. There are, however, several sections of fencing and walls, and some properties have substantial solid gates. Hedges are not uniform in height or species. The result is that boundaries in

the locality are varied in character and appearance. Along Firs Avenue, boundaries tend to consist of dwarf walls with hedges, shrubs and borders behind, typical of their suburban setting.

5. The fence has been erected along the Leeds Road boundary and a short distance along the Firs Avenue boundary of the appeal property. It is just over 1.8 metres in height and is clearly visible from Leeds Road and Firs Avenue.
6. The Council's House Extensions and Garages Design Guide Supplementary Planning Document (SPD) states that timber fences to boundaries with the public highway are not generally acceptable. However, the fence is not of an excessive height, it relates well to neighbouring hedges, the retained remaining hedge in the appeal garden as well as other fences, gates and walls in the locality. Despite, its location on the junction it is not a dominant feature, even in this prominent location, and provides some privacy and security to the occupants of the appeal property on this busy main road location. Although the fence lacks some of the visual softness of neighbouring hedges, it does not appear as incongruous or out of keeping with its surroundings.
7. Therefore, for the reasons set out above it is not harmful to the character and appearance of the area. The fence therefore is in accordance with policy HP3 of the Harrogate Local Plan 2020 (HLP), which, amongst other things requires development to be of high quality and respect the spatial qualities of its locality. Despite technical breaches with the SPD's guidance, the site-specific circumstances of this appeal mean that the scheme would still comply with the overall amenity and design aims of the guide and those contained within HLP Policy HP3 and the development plan as a whole.

Conditions

8. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty. As the fence is already in place it is not necessary to impose the standard time limit or materials conditions in this case.

Conclusion

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

KL Robbie

INSPECTOR