



Appeal Decision

Site visit made on 22 March 2023

by I Jenkins BSC CENG MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/Z2315/D/22/3312141

37 Grisedale Drive, Burnley, BB12 8AR

- 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 Jennifer Ormerod against the decision of Burnley Borough Council.
 - The application Ref FUL/2022/0448, dated 18 October 2022, was refused by notice dated 3 November 2022.
 - The development proposed is described as a 1.8 metre fence to the rear garden area, near the boundary line. The main curved section has been reduced down to 1 metre following the planning officers report on the previous application.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application relates to a fence line which varies in height from 1.8 metres to 1 metre. The lower section of fence has been erected and so the planning application subject of this appeal is retrospective in part.

Main Issue

3. I consider that the main issue in this case is the effect of the appeal fence on the character and appearance of the area.

Reasons

4. No. 37 occupies a corner site within the Grisedale Drive cul-de-sac. The side gable wall of the property's adjoining garage is set back from the footway along the side of the highway. The application plan entitled 'existing fence' shows a fence line which ran from the rear corner of the garage to the rear boundary of the site, enclosing the back garden of No. 37. The Council has confirmed that arrangement was consistent with the layout of No. 37 as originally approved and the area between that fence and the highway was a strip of land landscaped with grass.
5. Subsequently, at some point in the past, that side fence was removed and replaced by a fence line which ran from the front corner of the garage to the rear boundary of the property along the back edge of the footway and then alongside a turning area. That new fence, which enclosed the landscaped strip, was around 1.8 metres high. In January 2022 an appeal relating to a retrospective application for planning permission for the retention of that new fence line was dismissed.

6. The current appeal scheme involves a 1 metre high fence line along the back edge of the footway from the front corner of the garage to the turning area, which is already in place. Adjacent to the turning area the existing fence would be replaced by a 1.8 metre high fence set back from the highway beyond a strip of land around 0.75 metres wide, which would be landscaped with hedging.
7. For the most part, the street scene in the vicinity of No. 37 is characterised by open landscaped front gardens and drives, with side boundary fences that front onto the highway set back behind planting that softens their visual impact. As a result, the street scene has a predominantly open character and verdant appearance. In this context, I consider it is likely that the grassed strip between the original side fence of No. 37 and the highway made a material positive contribution to the character and appearance of the area.
8. I acknowledge that planting space in front of the shorter length of proposed 1.8 metre high fencing would be limited due to highway kerb foundations, at the edge of the turning area, and concreted fence posts within the 0.75 metre wide strip. Nonetheless, I consider it is likely to be possible to establish planting there, which would soften the appearance of that section of fence and potentially screen it from view over time. In stark contrast, the 1 metre high appeal fencing at the back edge of the footway has a hard, obtrusive appearance and it narrows and detracts from the predominantly open character of the street scene. In my view, its harmful impact would not be materially reduced or softened by establishing hedging behind the fence, as suggested by the appellant. In the context of the wider street scene, it gives an impression of poor design. I conclude overall that the appeal scheme has a significant detrimental effect on the character and appearance of the area, contrary to the aims of Policy HS5 and SP5 of the *Burnley's Local Plan, July 2018*, which seek, amongst other things, to secure high quality design and to ensure that proposals respect local character.

Other Matters

9. I do not know the full circumstances associated with the limited examples of fencing in other streets drawn to my attention by the appellant. Nonetheless, in any event, I consider that they do not justify harmful development within Grisedale Drive. I give no weight to the appellant's view that the original fence was in a bad state of repair, as to do otherwise could give encouragement to landowners seeking a beneficial permission not to manage their land in a diligent manner. The appellant has indicated that the former grass verge, between the original side fence and the highway was difficult to maintain, as it was steep and cars would park on it; a practice which is prevented by the appeal scheme. I also understand that the original fence line restricted access to a manhole in the garden of No. 37. However, in my judgement, neither those matters, nor any others raised, are sufficient to outweigh the harm that the appeal scheme causes to the character and appearance of the area.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR