

Appeal Decision

Site visit made on 10 October 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref. APP/M0655/D/23/3328451

16 York Road, Grappenhall, Warrington WA4 2EH

- 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 Viki Peers against the decision of Warrington Borough Council.
 - The application ref. 2023/00364/FULH, dated 16 March 2023, was refused by notice dated 18 August 2023.
 - The development proposed is "*Retrospective permission for gates, gate posts and fence with alterations to existing fence*".
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Decision

1. The appeal is dismissed.

Background and preliminary matters

2. The subject fencing is about 1.8 m high and stands adjacent to the footways along the wide frontages of the appeal dwelling to York Road and Harwood Gardens. The slightly higher gates and brick gateposts can be found at the vehicular access onto York Road. An application was made retrospectively in October 2021 for these boundary structures. The application was refused in November 2022. A subsequent appeal (ref. APP/M0655/D/22/3312315) was dismissed in January 2023 with the Inspector sharing the Council's concerns about the adverse impacts of the development upon the character and appearance of the area and highway safety. This previous appeal decision is an important material consideration.
3. Obstruction to visibility at the junction between York Road and Harwood Gardens is caused by the fencing. The Council's Highways Officer advised that the requisite 2.4 m x 25 m visibility splay could be achieved assuming the fencing contained within the splay is reduced to 1 m in height as defined on the amended drawings. A planning condition could require such a splay to be provided within a month of any permission. No highway safety objections were raised by the Council on this basis. I see no reason to depart from that stance.

Main issue

4. In deciding whether planning permission ought to be granted for the appeal proposal, I therefore consider the main issue to be its effect upon the character and appearance of the area.

Reasons

5. The appeal property is a detached bungalow standing on a prominent corner plot at the junction between York Road and Harwood Gardens.
6. I saw that the area's key characteristics are its residential character, the fairly spacious layout and variety of dwellings, the well landscaped environment and the preponderance of low walls or fences across the front boundaries, some of which have hedging or other vegetation close to them. From a general overview of the locality, I found that the front gardens, shrubbery and low boundary treatments give a soft visual impression to the local street scenes.
7. The provision of boundary treatment is rarely unacceptable in principle. However, the previous Inspector commented that *"The height of this boundary treatment, including the horizontal slatted form of the fence, appears as an obtrusive feature that contrasts markedly with the softer, more naturalistic boundary treatment of other dwellings. The fence and other aspects of the boundary treatment extend for a considerable length in a prominent corner location, limiting views into the appeal property's garden which has eroded the spacious character of the area."* I agree that the fencing, gates and gateposts have created harsher and more enclosed and imposing frontages and amount to incongruously intrusive features within the area.
8. In the application the subject of this appeal, the appellant proposes an alteration that would see vertical timber fence posts added to the roadside of the existing fencing to break up its linear appearance and reflect the standard panel fences that previously stood around the appeal site.
9. Unfortunately for the appellant, I judge, like the Council, that this alteration would have only a relatively minor impact on the appearance of the fence and would fail to mitigate the harm arising from the sheer height and length of the combined boundary structures and their prominent siting on a corner at the back of the footways. Similarly, the 1 m high sections of fencing that would address the highway safety objection would only be very limited in length.
10. There seems to be no dispute that the fencing that previously stood on the site was only about 1.5 m high. I noted that the substantial vegetation planted behind that fencing, which helped to soften its appearance, has been removed.
11. I consider the proposed changes would not bring about a visually attractive solution that would add to the overall quality of this area. The impression the boundary structures would create is not of a low-key addition to the street scenes. They would be at odds with the low and unassuming appearance of the plot boundaries that characterize the locality. In failing to reinforce local distinctiveness, they would not complement or enhance the character and appearance of the York Road and Harwood Gardens street scenes.
12. The scheme eschews the advice in the House Extensions Supplementary Planning Document June 2021 (SPD). This says that solid fences and walls over 1 m high will not usually be acceptable in front of the house though 1.8 m high fencing/walls may be acceptable where they are required to provide privacy to private rear garden areas on corner plots. The appeal property would appear to have a good-sized private rear garden well screened by the bungalow and a large attached garage block. The Council said there is little space on the eastern side of the dwelling and no reason to suggest that there is an imperative amenity need to enclose the front garden area. No contrary

evidence has been put before me. The SPD adds that front gates and gateposts over 1.5 m high will in most cases appear intrusive and over dominant in the street unless the character of the area includes many similar examples and that most boundaries will benefit from hedging or other soft landscaping.

13. The appellant invited me to consider the high boundary fences at 1 and 10 Barrymore Road and 12 and 21 York Road; the first property may in fact be known as 1 Barrymore Court but I shall refer to 1 Barrymore Road. The planning history behind these other developments has not been provided, although the Council suggested that the examples of high fencing immediately close to the application site do not appear to benefit from planning permission. At the dwellings highlighted by the appellant, I saw that the fencing was screening, to varying degrees, the private back garden areas at 1 and 10 Barrymore Road and the valuable side garden areas at 12 and 21 York Road which compensate for their severely constrained back gardens.
14. I have taken account of the fallback, under permitted development rights, of being able to construct a boundary enclosure 1 m above ground level adjacent to the back of the footways. Even so, the boundary structures at the appeal site considerably exceed what is permissible under permitted development rights and are subject to planning control. I find that, in the context of this site, local character would be best respected by far lower boundary features.
15. I therefore find on the main issue that the appeal proposal would be harmful to the character and appearance of the area. The development fails to respect Policies CS 1 and QE 7 of the Council's adopted Local Plan Core Strategy July 2014 which, when read together, seek to ensure a high quality place and to deliver high standards of design and construction that have regard to local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape. There would also be a failure to adhere to the overarching design themes of the National Planning Policy Framework insofar as they relate to achieving well-designed places.
16. The Council now acknowledges the previous Inspector's findings, with which I also agree, that the scheme would have a neutral impact on the character, appearance and setting of the Victoria Road/York Drive (Grappenhall) Conservation Area which is located to the west of the appeal site.
17. I note the cost implications if the boundary structures have to be removed and replaced but this matter cannot outweigh the proper consideration and determination of the appeal proposal on its planning merits.
18. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The visual harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR