



Appeal Decision

Site visit made on 31 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/A0665/D/23/3328061

25 Platts Lane, Tarvin, Chester, CH3 8LH

- 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 and Mrs Cartwright against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02356/FUL, dated 23 June 2022, was refused by notice dated 7 February 2023.
 - The development proposed is described as 'closeboard timber fence (retrospective).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the close board timber fence was in situ. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively.

Main Issue

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

Reasons

4. The appeal site is located on the corner of Platts Lane and Crossfields within a residential estate that has a broadly consistent character comprised of two storey semi-detached dwellings and bungalows. The properties within the estate are generally set back from the road, with front gardens that are enclosed by low walls or fences and hedges. Whilst there have been changes to some front boundary treatments, overall, the estate has an open and spacious appearance that helps to soften the built environment.
5. The appeal fence extends along most of the site frontage to Platts Lane and along the splayed boundary at the junction with Crossfields. It is prominent in views along both roads. The fence is good quality, and its colour and the planting in front soften its appearance. Nonetheless, it represents a more formal, and solid form of boundary treatment than that prevailing within the estate. Consequently, it appears incongruous in, and detracts from, the street scene.
6. The appellant has drawn my attention to examples of high fencing to the front boundaries of other corner properties on Platts Lane and Crossfields, which I observed during my site visit. One such example is directly opposite the appeal site. In that case, the fence is interrupted by a section of tall hedge reducing its

overall length. The other specified example, at 2 Platts Lane encloses a rear garden and therefore differs from the fence before me. Furthermore, unlike the appeal scheme, such fences are not prominent in views along Platt Lane.

7. Whilst such examples of high boundary fences, and others within the estate, form part of the streetscape they are not sufficient in number to define the character of the area. Moreover, for the reasons given, they are not directly comparable and, as such, they do not provide clear or convincing justification for the scheme that is before me.
8. I appreciate that the property has a relatively small rear garden which means that the front area gets greater use, and that the appellant is concerned about privacy and security for the children and dog when at the front. Furthermore, I acknowledge that the fence is the same height as previous hedgerow and that the hedge was in a poor condition prior to its removal. However, whilst a fence of 1 metre may not provide the same level of privacy and security as the appeal fence, I have no evidence before me to conclude that the fence that has been erected is the only option for providing appropriate privacy and security at the property.
9. Overall, I conclude that the fence is harmful to the character and appearance of the area. It therefore conflicts with Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies and Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies which seek to ensure that development respect and protects local character. In addition, I also find conflict with the design aims of the House Extensions and Domestic Outbuildings Supplementary Planning Document and chapter 12 of the National Planning Policy Framework.

Conclusion

10. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
11. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR