



Appeal Decision

Site visit made on 10 October 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/U2370/D/23/3328980

106 Hardhorn Road, Poulton-Le-Fylde, Lancashire FY6 8AX

- 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 Carlo Fusco against the decision of Wyre Borough Council.
 - The application Ref 23/00389/FUL, dated 17 April 2023, was refused by notice dated 22 June 2023.
 - The development proposed is replacement of a 1m height boundary wall with a 1.8m gabion fence infilled with white pebbles, along with rendered entrance piers and sliding gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the works indicated on the submitted drawings appeared largely complete. For the avoidance of doubt, my determination of the appeal is based on the drawings submitted and not on the works as constructed.

Main Issue

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

Reasons

4. The appeal property is located on the west side of Hardhorn Road. This is a main road leading into Poulton Town Centre and a bus route with a bus stop is located directly opposite the appeal site. The property is sited close to the junction of Hodgson Place and is identified as a detached dormer bungalow, which is set back from the road by a front garden and accessed via a private driveway. Residential in character, Hardhorn Road exhibits a variety of house types and styles. Coherence is derived from established patterns in the siting and orientation of dwellings, generally with eaves fronting the road, set back behind front gardens and from the presence of continuous boundary walls enclosing frontages, augmented by vegetation.
5. Boundary treatments in the street are characteristically masonry, render, railings, or hedging- or indeed, a combination of these. It is acknowledged that diversity in boundary treatments is evident in the vicinity of the appeal site. For example, a variety of brick type, colour and coursing is evident, and the style and type of copings varies. With regards to render, there is a degree of variety

in colour and finish. However, I observed diversity within the confines of an established palette of traditional materials, specifically brick or render, low walling with fencing or railings atop- as evidenced in the examples provided in the appellant's statement. Gabion fencing is wholly absent in this section of the street comprising a line of detached bungalows between the entrance to High Cross Road to the south and Hodgson Place to the north. Furthermore, the presence of established landscaping in the form of hedgerows, shrubs and garden trees, serve to soften the built form and positively contribute to the streetscape.

6. Good design should seek to respect and reflect characteristics which are locally distinctive. The palette and application of materials is key, as is utilising elements of design detailing evident in the prevailing architectural language, so that new development can integrate with existing development and positively contribute to the area's distinctive character and attractiveness.
7. Locally distinctive features contribute to a strong sense of place. The details of a place can include the mix and application of building materials, design detailing and boundary features. The National Planning Policy Framework (the Framework) places great importance on achieving high quality design in all new development and for new development to respect local character. To deviate from the established palette by introducing materials that are otherwise alien in this part of the street scene, such as white pebbles in metal cages, would be obtrusive and would assume undue visual prominence to the detriment of the character and appearance of the area.
8. The appellant acknowledges that the proposed development would differ from the typical appearance of boundary treatments in the area but advocates for architectural diversity and innovation. The appellant claims the proposal is an intentional delineation between old and new, a modern interpretation of traditional cobble walls. However, it is considered that this serves to create a discordant element in an otherwise coherent, harmonious street scene, where continuity in the height, design and material palette of the boundary walls is important. As such the proposed development is contrary to policy CDMP3 of the Wyre Local Plan (2001-2031) (WLP) and in conflict with the guidance on achieving well-designed places contained in chapter 12 of the Framework, which seeks to ensure development is visually attractive, in keeping with its surroundings and maintains a strong sense of place, whilst not discouraging appropriate innovation.
9. The height of boundary treatments varies in the locality and my attention has been drawn to solid boundary walls and fences of similar or greater height in the vicinity of the site. Notwithstanding this, in this section of the Hardhorn Road, boundary walls are characteristically relative to the height and scale of the dwelling it bounds. Specifically, bungalows are set back behind front gardens and bound by dwarf brick walls, augmented by shrubbery and garden trees, affording a spatial character of openness.
10. The excessive height, inappropriate design and uncharacteristic material palette of the proposed boundary treatment constitutes an incohesive departure, diminishing the spatial character, to the detriment of the attractiveness of the streetscape and the character and appearance of the area. The case has been made that the previous boundary was higher than that which is proposed. However, the evidence before me shows that the upper part

of the former boundary was formed by vegetation, rather than a hard boundary treatment, thereby affording filtered views through, as well as movement, vitality, and a degree of intervisibility. This is not the case with the proposed boundary treatment. For these reasons, the proposed development is contrary to policy CDMP3 of the WLP.

11. Whilst the sourcing of sustainable materials and reclaiming or reusing materials is supported in principle, by Policy CDMP3 of the WLP, this approach is not sufficient to fully mitigate my concerns regarding the design of the proposed boundary.
12. Policy CDMP3 criteria (d) requires new development to create safe and secure environments that promote community safety. It is accepted that the proposed development would not have an adverse impact on highway safety. It is appreciated that the height of the proposed gabion fencing may make the property more secure and feel safer, however there is no evidence before me as to the nature of any crime that has occurred within the property. The potential to reduce crime within the property does not in itself mitigate the identified harm to the character and appearance of the area arising from the introduction of an excessively high property boundary, which would appear overbearing and visually discordant in the street scene.
13. Policy CDMP3 requires new development to be of a high standard of design and sets out assessment criteria, which includes: respecting and enhancing the character of the area, having regard to issues including siting, height, scale, massing, landscaping and use of materials; making a positive contribution to an attractive and coherent townscape that integrates with the wider built environment. Design that is incongruous in its setting or context, by reason of employing materials that are uncharacteristic, or inappropriate in height, scale, massing etc- as with the appeal proposal- will appear incoherent and jarring in the streetscape, failing to integrate and harmonise with the built environment to the detriment of the character and appearance of the area. For all the reasons, discussed above, the proposed boundary treatment fails to meet these prerequisites and as such is contrary to policy CDMP3 of the WLP.

Other Matters

14. I have had regard to the fallback position to which the appellant refers, specifically the scope of permitted development rights relating to boundary treatments. The appellant suggests that the erection of a 1 metre high fence at the front of the appeal property is permissible. Notwithstanding this, the impacts arising from a 1 metre high boundary fence fronting a public highway differ significantly from that which has been considered in determining this appeal. I consider that the harmful effect of the gabion fencing as proposed, on the character and appearance of the area, would be substantially greater than the effect of a shorter fence. Moreover, the excessive height, design and material palette of the fencing makes it far more prominent and out of character in the immediate context. For these reasons, I attribute limited weight to the potential for the appellant to implement any permitted development rights relating to boundary treatments.
15. I acknowledge the request for direction as to the appropriate height of the gabion, however it is not the role of an Inspector to fetter a future decision maker. Rather, each case needs to be determined on its own merits. This appeal is determined on the basis of evidence before me.

16. I appreciate the support for the proposed development expressed in most of the representations submitted. Nevertheless, I am bound to assess the proposal against the policies in the Development Plan and I have identified harm to the character and appearance of the area arising from the proposed development. The neighbour support does not in itself outweigh or mitigate this harm.
17. I have taken into consideration the Human Rights Act, 1998 which enshrines in UK law most of the fundamental rights and freedoms contained in the European Convention on Human Rights. I recognise that dismissal of the appeal would interfere with the appellant's rights under Article 8 and Article 1 of the First Protocol, in regard to privacy and protection of property, respectively. However, in this case, the interference with the rights of the appellant is necessary and proportionate.

Conclusion

18. Notwithstanding the potential to reduce crime within the property, the appellant's right to privacy and the neighbour representations expressing support, I have found that the proposed development would have a harmful effect on the character and appearance of the area, by reasons of the excessive height and inappropriate design of the boundary treatment proposed, which would introduce incongruity, incoherence, and disharmony. Therefore, the development is contrary to the relevant policies of the development plan when read as a whole, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
19. For the reasons given above the appeal is dismissed.

N Kempton

INSPECTOR