



Appeal Decision

Site visit made on 16 February 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/Q4245/D/23/3324593

123 Grove Lane, Trafford, Hale WA15 8JQ

- 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 Mike Parr against the decision of Trafford Council. The application Ref 109573/HHA/22, dated 8 November 2022, was refused by notice dated 31 March 2023.
 - The development proposed is retrospective application for a new vehicle access gate and a single access gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice as this is a more accurate description than that in the application form. Further, while the appellant name was different from that on the application form, I note the authorisation from the named applicant to also proceed with this appeal in his name.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

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

Reasons

5. The appeal site is a semi-detached dwelling with hardstanding to the front, enclosed by a timber and metal fence spanning the entire width of the site and featuring a vehicular and pedestrian access gate. The surrounds are residential in nature, with front boundary treatments primarily comprising hedging and low walls, leaving gaps for vehicle entrances adjacent to crossovers in the footpath.
6. The proposal seeks retrospective consent for the front fencing and gate at the appeal property. I observed this to be a prominent feature along this section of Grove Lane. While its height is lower than adjacent hedging, comparable to other fencing nearby, and below that of the fence previously at the site, combined with its width across the entire front boundary it reads as oppressive in context.

Alongside the other dwellings, which largely feature notable gaps along the frontage, the proposal results in the site feeling unduly confined and enclosed.

7. In this regard, I note the guidance in Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations 2012 (the SPD). This states that where there is a distinct frontage in a residential area it will be desirable to keep and reinforce this type of boundary treatment. It further refers to hard boundary treatments such as solid screen above 1m in height as potentially causing harm to residential character by placing an obstructive and harsh feature at the back of the pavement. While this is guidance rather than policy, it remains a material consideration.
8. The oppressive feel of the proposal is furthered by the use of materials, particularly due to their colouring. The dark nature of the timber and metal across the entirety of the fencing and gates appears out of place in this section of the street, alongside the hedging and lighter toned fencing present along Grove Lane. In addition, the overall incongruous nature of the proposal is further highlighted by the fact that the vehicle entrance gate section does not fully align with the crossover in place in the footpath to the front of the site, which does not appear to be the case at other properties. This contributes to the design and placement of the proposal appearing visually jarring in context and failing to respond to its surrounds.
9. I note the appellant's reference to other fencing and gates in the surrounds, including the examples provided in this regard, and observed the same during my visit. However, while these structures may be similar in height to the proposal, they mostly provide an element of visual relief not present at the appeal site through the use of barred gates allowing views through to front gardens, colouring of materials that assimilate in the surrounds, or by not stretching across the entire frontage. In any event, each scheme is decided on its own site-specific circumstances and, for the reasons given above, I find that the proposal would result in visual harm in its own right. Reference to development elsewhere carries little weight.
10. For the reasons given above I find that the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policy L7 of the Trafford Local Plan Core Strategy 2012 and the guidance of the SPD insofar as they seek to ensure development design is appropriate in context and enhances the character of an area by appropriately addressing boundary treatments.

Other Matters

11. The appellant has raised issues with the conduct of the Council throughout both the application and appeal period, including asserting that assurances were made that planning permission would be granted. This has little relevance to my assessment of the planning merits of the appeal, with pre-applications discussions with the Council carrying limited weight.
12. I note the reference of the appellant to the limited numbers of objections received, and the personal issues between the appellant and the objectors to the scheme, in addition to the appellant citing that they are entitled to enhance their own home. Nevertheless, it remains that I must assess the appeal as it appears before me in line with current policy and, for the reasons outlined, have found that it would result in visual harm.

13. The appellant further states that the proposal would enhance security at their home, citing the likelihood for an area such as this to be targeted by criminals. However, personal circumstances carry little weight in the planning balance and, in the absence of detailed or substantive information on the crime rates in the area, I attach limited weight to this benefit.
14. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity, in addition to the Human Rights Act and the United Nations Convention on the Rights of the Child. As the proposal would provide safety benefits for a child with additional needs that occupies the property, it would relate to persons who share relevant protected characteristics. It does not follow from the PSED that the appeal should succeed, rather that the benefit to this individual should be taken into account in the planning balance.
15. I have given considerable weight to this identified benefit. However, it remains that the precise design of the proposal would cause significant harm to the character and appearance of the area. As such, I do not consider that the identified benefit, either alone or in combination with the other matters outlined in this section, would outweigh the significant harm outlined above.

Conclusion

16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR