



Appeal Decision

Site visit made on 30 April 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2024

Appeal Ref: APP/C4235/W/23/3329255

Squirrels Leap, 12 Kentmere Close, Gatley, Cheadle, Stockport SK8 4RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Raheel Hussain against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/086570.
 - The development proposed is described as 'erected composite panel fencing to front and side elevations including dividing fence between adjoining neighbour properties. Composite fencing consisting of slot-in panels for ease of maintenance'.
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Decision

1. The appeal is allowed and planning permission is granted for composite panel fencing to front and side elevations including dividing fence between adjoining neighbour property at Squirrels Leap, 12 Kentmere Close, Gatley, Cheadle, Stockport SK8 4RD in accordance with the terms of the application, Ref DC/086570.

Preliminary Matters

2. In my decision above I have used the description of development in the banner heading, which is taken from the application form and the Council's decision notice but removed superfluous wording relating to construction of the fencing.
3. I sought the views of the main parties on the plans considered by the Council, as I was provided with different plans with the same reference. The appellant confirmed that the development is that which has already been carried out. Therefore, as the fence has been installed, I have considered this appeal as a retrospective development as described on the form and the decision notice.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - pedestrian safety;

Reasons

Character and appearance

5. The appeal property is a detached dwelling located within a residential area. It is positioned on a corner plot at the entrance to a small cul-de-sac. The side and rear garden is enclosed by a brick wall with timber infill panels.

6. Houses in the area are set back from the road behind front gardens or drives. While most properties are open plan at the front, many have enclosed side boundaries and frontage planting.
7. Although the fence encloses the property from the streetscene and the entrance into the cul-de-sac, views are possible over the top with the ground floor windows clearly visible from the street. Whilst not constructed of natural material, the brown colour of the fence harmonises with that on the window surrounds and garage door of the property and is also of a similar colour to other wooden fence panels in the area. Moreover, I observed that planting on the inside of the fence would be likely to grow above the height of the fence and soften its appearance in the streetscene.
8. Part of the fence along the boundary with No.13 Kentmere Close (No.13) is higher than the fence along the frontage of the property. However, the garage at No.13 is set forward of the property towards the road which provides a backdrop to the fence and softens its appearance when viewed along Grasmere Road from the north. Furthermore, from Grasmere Drive, the property has a wide driveway allowing views of most of the dwelling's frontage and maintaining a spaciousness to that part of the street.
9. The low number of high fences or walls in the streetscene does contribute to a positive open environment generally within the area. However, several other corner properties in this residential area have fences along the boundaries with footways. Given the variety generally of boundary treatments and my findings above, the fence subject of this appeal, does not appear an incongruous feature in this particular location. Consequently, it would not adversely affect the overall character and appearance of either the host property or the area as whole.
10. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the area and would thus comply with Policy SIE-1 of the Stockport Core Strategy DPD, March 2011 (CS) which seeks to ensure development is designed to a high contemporary standard and takes account of the site's location and characteristics.
11. Saved Policy CDH1.8 of the Stockport Saved Unitary Development Plan Review 2006 refers to residential extensions and whilst it does not mention fences, I have found that the appeal scheme does not cause harm to the character of the area, so does not conflict with this policy.
12. I have identified no conflict with the guidelines contained in the Alterations to Existing Dwellings Supplementary Planning Document 2011 which requires development to positively contribute to the character of an area, or with the requirements for high quality design contained in the paragraph 135 of the Framework.

Pedestrian safety

13. The concern of the Council is drawn from the consultation response from the Council's highway advisor. It states that a solid 2m high boundary fence with adjoining property and the sliding gate on the other side of the drive would impinge on visibility between users of the drive and the adjacent footway contrary to policy requirements for a 1m x 1m visibility splay at each side of driveway.

14. However, that is not the proposal before me. Although the fence along the boundary with No.13 is high, it is stepped down towards the footway. The fence panels positioned along the back edge of the footway are very marginally over 1m.
15. I note advice in the Council's Transport and Highways in Residential Areas Supplementary Planning Document (undated) (SPD) that sightlines should be determined from an eye height of 1.05m to 2m. Due to the height of the fence, the topography and curvature of Grasmere Road there would be intervisibility between pedestrians and drivers exiting the drive. In addition, the width of the driveway entrance provides the space within which a driver or pedestrian could react to a moving vehicle. Moreover, Grasmere Road and Kentmere Close are residential streets with a speed restriction of 20mph. Therefore, vehicles speeds in the area are limited, which minimises the potential for a vehicle to exit the driveway quickly to find a gap in traffic.
16. Taking those matters together, I consider there is no significant risk to users of the footway and thus the development does not result in an unacceptable impact on highway safety. Accordingly, it complies with Policy T-3 of the CS insofar as it requires development to provide safe and well-designed access arrangements, and with paragraphs 114 to 116 of the Framework which relate to highway safety.
17. Whilst the proposal does not fully comply with the SPD in relation to visibility, each case must be considered on its own merits, and based on the circumstances of the site. For the reasons set out above, a decision other than in accordance with the SPD guidance is justified in this case, but it is based on the specific circumstances of the appeal site and the details of the fence erected.

Other Matters

18. Representations were made to the effect that the appellant's human rights under Articles 1 and 8 of the First Protocol, as set out in the Human Rights Act 1998 and Article 3 of the United Nations Convention on the Rights of the Child would be violated if the appeal is dismissed. Since I have decided to allow the appeal and grant full planning permission for the development, there will be no interference with these rights. I have also had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010 and the proposed development would therefore be consistent with the three aims of the PSED.
19. The Council has not requested that any planning conditions be imposed and as the development is retrospective, I do not consider that any conditions are necessary in this instance.

Conclusion

20. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal is allowed, and planning permission is granted.

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INSPECTOR