

Appeal Decision

Site visit made on 5 June 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/V4250/D/24/3342597

12 Dalebank, Atherton, Wigan M46 9PE

- 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 Ms Alma De La Rosa against the decision of Wigan Council.
 - The application Ref A/23/95955/HHRET, dated 2 August 2023, was refused by notice dated 24 January 2024.
 - The development proposed is a 1.8m high fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on highway safety with particular regard to pedestrians.

Reasons

3. The high fence is already in place and it follows the back of the pavement at the head of this cul-de-sac, to the side of the dwelling. A number of properties in this part of Dalebank have open frontages whilst others have low fences or railings. This high and solid fence is entirely at odds with this prevailing character. The height and length of the fence, combined with its solid appearance, ensures that it detracts from the character and appearance of this part of the cul-de-sac. Although of a high quality construction, it represents poor design in this context.
 4. There are high road side boundaries particularly at the entrance to the cul-de-sac but these are less intrusive having low brick walls with higher brick piers. Between the piers there are either railings or timber panels. These break up the appearance of the structure. Where there are railings or more widely spaced timber panels, they have a less solid appearance and allow views through to the vegetation behind. Although the area has a different character, there are also high fences along Spa Road and at its junction with Gregory Avenue but these too are visually relieved by the use of brick piers and fencing panels. This boundary arrangement extends along Gregory Avenue to the rear of the appeal site and beyond. However, the boundary design results in a well relieved and relatively uniform character along this section of road and does not appear as stark as the appeal proposal. There is a high vertical panel
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timber fence on the corner of Gregory Avenue and Spa Road but this has a limited length along the highway which reduces its adverse impact. The fences at the junction of Denbigh Grove and Gregory Avenue have some similarities with this proposal but these are less intrusive given their less solid appearance resulting from more widely spaced panels.

5. Although there are examples of other high fences in the area, these do not suggest that this fence should be accepted. It must be considered on its individual merits given its particular design and its immediate context. Whilst there are clearly benefits of providing privacy to this side area of garden and improved security, the fence is of a height and design that cannot be accommodated on this corner without harm to the immediate area. The benefits of improved privacy and security do not outweigh this concern.
6. With regard to the lack of inter-visibility between a car driver leaving the drive and pedestrians approaching the access, it has been suggested that this could be resolved by changes to the fence alignment or height. No plans have been provided to demonstrate this. The current height and position of the fence, immediately adjacent to the drive, adds to my main concern.
7. Overall, the new fence conflicts with policy CP10(1-3) of the Wigan Local Plan Core Strategy 2013 as it does not respect the character of the locality; does not integrated effectively with its surroundings; and represents poor design in this context. It also conflicts with the House Extensions Design Guide: Supplementary Planning Document 2019 which advises that new boundary treatments should be of an appropriate scale and be constructed from building materials and styles that match or compliment the street scene and local built environment; and respect visibility splays by not being over one metre in height to ensure the safety of highway users. The fence also conflicts with the *National Planning Policy Framework* 2023 which seeks development that functions well and adds to the overall quality of the area.
8. I have had regard to the personal circumstances reported by the appellant and the exposed nature of this side garden. Whilst reference has been made to the council's approach and to the actions of other local residents, other than the concerns about privacy and security, these are not matters for this appeal.
9. In conclusion, I find that the matters in favour of this development do not outweigh my concerns with regard to the particular details of the fence. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR