



Appeal Decision

Site visit made on 3 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/M0655/D/24/3342842

86 Highfield Avenue, Appleton, Warrington, Cheshire, WA4 5DX

- 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 K Harding against the decision of Warrington Borough Council.
 - The application Ref is 2023/01555/FULH.
 - The proposed development is erection of a timber boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. At the site visit I noted that the appeal proposal had already been erected. The description given on the application form included the words "Retrospective" and "associated landscaping" but as these are not a description of development, I have omitted them.

Main Issue

3. The effect of the proposal on the character and appearance of the building and the surrounding area.

Reasons

4. The appeal site is located within a residential housing estate originally developed on an open plan layout in the 1970s. This prevailing character has been managed since the estate's development and contributes positively to its sense of spaciousness.
5. My attention has been drawn to some examples of timber fencing in the area. The examples predominantly relate to housing on the entrance to the estate where the character of the area features older dwellings with low front boundary walls, rather than the circa 1970's open plan residential estate immediately surrounding the appeal site. There is an example of a close boarded timber fence of approximately 2 metres in height to the rear of 7 Dudlow Green Road. This boundary feature reads as a rear boundary to that property at the edge of the estate and does not affect the prominent open plan character of the area. Within the immediate vicinity of the appeal site, there are no examples of boundary features similar to the appeal proposal. Most dwellings within the estate maintain open frontages with elements of mature planting.

6. Whilst the appeal site lies at the edge of the residential estate, it clearly reads as, and is part of, the original estate layout. At the corner of Highfield Avenue and Pewterspear Lane, where the appeal proposal timber fencing is clearly visible, the enclosure of the garden fronting Pewterspear Lane with a fence of 1.4 metres in height has a detrimental effect on the sense of spaciousness around the property and is at odds with the open plan character of the street scene and surrounding area.
7. Consequently, I find that the proposal conflicts with Policy DC6 of the Warrington Local Plan (2023) in that it fails to respond positively to the characteristics of the area identified above. Paragraph 2.6.7 of the Warrington Supplementary Planning Document – House Extension (2021), confirms that within an open plan style estate, permanent boundary features over 1 metre in height are unlikely to be acceptable. National Planning Policy Framework paragraph 139 is also engaged which states that development that is not well designed, particularly where it fails to reflect local design guides, should be refused.

Other Matters

8. A condition requiring planting to soften the appearance of the proposal would not overcome the fundamental harm caused by the introduction of the timber fencing enclosure to the spacious character surrounding the property. Whilst incidental planting within the estate is a feature, I find that it does not harm the sense of spaciousness, in the way that a permanent structure would do.
9. Even if a 1 metre high fence could be erected without planning permission, the reduced height of such an enclosure would cause less harm to the sense of spaciousness than the proposal.
10. I have had regard to the third party representation in support of the proposal, however, this does not outweigh the harm caused by the proposal identified above.

Conclusion

11. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be dismissed.

A Hartley

INSPECTOR