



Appeal Decision

Site visit made on 19 December 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

Appeal Ref: APP/V4250/W/24/3350736

Land adjacent 24 Rivington Avenue, Golborne, Warrington WA3 3HG

- 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 Andrew Ankers against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/24/97044/FULL.
 - The development proposed is change of use of land to side to be incorporated into garden area and erection of 1.2 metre high fencing to front and side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address has been taken from the decision notice as this provides a more accurate description of the appeal site location. The description of development has also been taken from the decision notice. The description given in the application form states that the proposed development was for a 1.8m high fence. In following the evidence, amended plans were submitted during the application stage to reduce the height of the proposed fencing to 1.2m. The Council determined the application on these plans. This therefore has necessitated a change to the description of development.
3. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect on biodiversity within the site.

Reasons

Character and appearance

5. The appeal site is located on a corner plot at the junction of Rivington Avenue and Pennine Lane. This is a small parcel of green space which creates a break in the built form when turning the corner from Pennine Lane into Rivington Avenue. This space makes a modest contribution to retaining the openness of the street.

6. In taking the wider vicinity into account, there are a significant number of examples of residential properties on corner plots where a boundary fence has been erected next to the footpath to form a garden. The most notable example is that of 2 Rivington Avenue. 2 Rivington Avenue is located at the opposite end of the street to the appeal site. Despite its placement next to the footpath, the low-level design of the boundary treatment at 2 Rivington Avenue does not reduce the open character of this area of the estate. The boundary fence would be of a low height and sited next to the public footpath, similar to the example at 2 Rivington Avenue. Whilst there is a presence of open spaces within the estate, the siting of boundary fences adjacent to the footpaths on corner plots is a defining characteristic.
7. As such, the appeal proposal would create a development of a similar appearance. Owing to the low-level height of the boundary fence, there would continue to be an appreciation of space despite its placement along the boundary. Whilst the space would no longer be seen as public green space, it would still play a role in creating a buffer between Rivington Avenue and Pennine Lane due to its use as a garden. Furthermore, the creation of a boundary feature at the appeal site would add visual symmetry when travelling towards or from 2 Rivington Avenue.
8. To conclude, the proposal would be in accordance with Policy CP10 of the Wigan Local Plan Core Strategy 2013, Policies JP-P1 and JP-G6 of the Places for Everyone Joint Development Plan 2024 (PFE) and Policy GLW-D1 of the Golborne and Lowton West Neighbourhood Plan 2023. These policies seek for proposals to acknowledge the character and identity of locality, to meet established standards, provide a high-quality setting and is integrated effectively with its surroundings. Policy GLW-D1 notes that high boundary treatments over 1m should be avoided. However, owing to the limited height of the proposal which is just above this threshold, the development would still meet the relevant requirements of this policy, insofar as it complements the characteristics in close vicinity of the site.

Biodiversity

9. Policy JP-G8 of the PFE notes that development will be expected to achieve a measurable net gain in biodiversity of no less than 10%, with proposals informed by the findings and recommendations of an appropriate biodiversity or ecological assessment. As noted during my site visit, the application site does support an area of grassland with shrubs located along its rear boundaries with residential properties.
10. In following the evidence, the baseline biodiversity value of the site has not been established. Subsequently, no measurable net gain in biodiversity of no less than 10% in line with Policy JP-G8 of the PFE can be established. I recognise that the appellant has incurred costs in the submission of the planning application and the purchase of the land. It is essential however in following Policy JP-G8 of the PFE that the effect of the proposed development on biodiversity is established before planning permission is granted.
11. During the application, the Council requested that the appellant set the proposal back from the boundary and agree to provide a range of native hedge species. However, the appellant contended that pipes are located underneath the appeal site and therefore, the planting of hedges would cause possible damage to these pipes. There is no substantive evidence before me to suggest

that pipes are located below the appeal site. Nevertheless, even if pipes are found to be present, given my findings on the proposed location of the fence on the character and appearance of the area, there are other locations within the site where appropriate planting could be delivered.

12. The appellant has stated that they would plant flowers on the land. However, in following Policy JP-G8 of the PFE, a measurement of biodiversity net gain is required. Other properties located within the vicinity have undertaken developments similar to the proposal. However, there is no information as to when these developments were undertaken in the form of a decision notice or officer report. As such, Policy JP-G8 may have been adopted after these changes were made. The proposal would add to the security and privacy of the site. However, this would not outweigh the policy conflict found with Policy JP-G8 of the PFE.
13. To conclude, the proposal would be in conflict with Policy JP-G8 of the PFE and the Framework, as no measurement in net gain as required by the policy has been assessed.

Conclusion

14. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR