



Appeal Decision

Site visit made on 11 February 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Ref: APP/A0665/D/24/3358045

20 Woodlea Court, Northwich, Cheshire, CW8 4TG

- 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 David Hind against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02215/FUL.
 - The development proposed is removal of existing garden wall and erection of a fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of the development during the consideration of the application to read *“Removal of existing garden wall and erection of a fence”*. As this is a more concise description of the proposal and removes superfluous text from that set out in the application form, I have used it in the banner header above.
3. The address given on the application form was incorrect as it included part of the name of the Council. I have used the correct address as given in the appeal form.

Main Issue

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

Reasons

5. Firdale Road is a winding road that provides access for numerous cul-de-sacs, including Woodlea Court, with an open and verdant character and appearance. Residential properties either face or, as is the case with the appeal property, front a cul-de-sac and have a side elevation to Firdale Road. Properties and any high boundary treatment, such as walls or fencing, are generally set back with landscaping or open grassland separating the boundary treatment from the pavement. Where there are high boundary treatments closer to the back of the pavement there is often landscaping to the front of it, providing a soft edge to the pavement.
6. There are a few examples along the length of Firdale Road, where there are high boundary treatments immediately next to, or very close to, the back of the pavement with no such landscaping treatment. These examples present themselves in very stark contrast, with an adverse impact on the quality of the street scene, and do not fit in with the character and appearance of Firdale Road.

7. The proposal would replace the existing high boundary wall with a fence of a similar height very close to the back of the pavement along Firdale Road. This would consume much of the open grassed space between the existing wall and the gable end of the building and the pavement. Consequently, this would erode the prevailing open and verdant character and appearance of Firdale Road.
8. I note that the appellant has suggested setting the fence back and leaving a strip of landscaping. However, as the appeal is being dealt with by way of the Householder Appeals Service, I am obliged to determine the appeal based on the plans submitted to, and considered by, the council. Moreover, I observed during my site visit that some hedge planting has been undertaken at the site to the back of the pavement in the general location of the proposed fence. The location of the proposed fence is highly likely to conflict with the hedge planting and significantly impact the hedge's ability to become established. Therefore, the provision of the hedge planting does not overcome the harm identified with the proposed scheme before me.
9. I am aware that the appellant has claimed that a 1m high fence could be erected along the boundary of their property without planning permission. However, this would not be a high boundary treatment and therefore would be likely to be less dominant than the fence before me.
10. For the above reasons, the proposed development would be demonstrably harmful to the character and appearance of the surrounding area. This would conflict with Policies ENV6, DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Parts One and Two), which require high quality design that respects local features. Moreover, the proposal would conflict with the Supplementary Planning Document: House Extensions and Domestic Outbuildings January 2021, which requires that new hard boundary treatments have regard to the prevailing characteristic of boundary treatments in the surrounding areas.

Other Considerations

11. The appellant has expressed that the purpose of the proposal is to enable an extension to be built to the rear of the house and that this is currently not possible as the existing wall is in line with the property's gable end. Furthermore, it is claimed that the wall is of poor quality, unstable in some parts and likely to need demolishing at some point in the near future. However, these factors are not sufficient to outweigh the harm that would be caused by the proposal to the character and appearance of the area.
12. I acknowledge that the appellant has expressed that, due to the changes in ground levels, pedestrians are able to see over the wall and the proposal would improve this situation with regard to privacy and security. However, this arrangement is similar to others along Firdale Road and as such I give this limited weight in my consideration.

Conclusion

13. The proposal conflicts with the development plan as a whole and the material considerations put forward in support of the proposed scheme do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

P Barton

INSPECTOR