



Appeal Decision

Site visit made on 23 April 2025

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/C4235/C/24/3353611

149 Buxton Road, High Lane, Stockport, SK6 8DY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr James Vince against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The notice was issued on 25 September 2024.
 - The breach of planning control as alleged in the notice is: without the benefit of planning permission, the erection of a fence over one meter in height adjacent to a highway used by vehicular traffic.
 - The requirements of the notice are to reduce the height of the fence forming the common boundary with 151 Buxton Road and running from the back of the pavement to level with the front wall of the dwellinghouse so that it does not exceed 1 meter in height.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Ground (a) appeal and the deemed planning application

2. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. The main issues in this case are the effect of the development on the character and appearance of the host property and the surrounding area; and the effect on highway and pedestrian safety.

Character and appearance

3. The appeal site comprises a two storey property with a paved driveway to the front and a garden to the rear. It is situated at the end of a short terrace which is set back from Buxton Road. The surrounding area is predominantly residential with variation in the size and style of properties. There is a sense of uniformity to the street scene due to the houses generally following linear building lines with many being set back from the road. Driveways or gardens to the front are characteristic of properties, some of which have open frontages, while others have low boundary walls, fences or hedges, such as those to the front of the terrace.
4. The notice relates to a timber fence which has been erected adjacent to the boundary between the appeal property and 151 Buxton Road, alongside an existing boundary fence. It is set back about 0.1m from the back of the pavement and is one metre high for around the first metre along the boundary and then increases to about two metres in height along the rest of the boundary.

5. The notice requires the section of the fence between the house and the pavement to be reduced to no more than one metre in height. The Council does not object to the remainder of the new fence which runs between the side walls of the dwellings and their rear gardens.
6. The unauthorised fence has a solid appearance and is visible in both directions along Buxton Road. The one metre high section is only slightly higher than the original fence between the two properties. Consequently, it does not have a significant presence in the street scene. However, the two metre section is a stark and dominant barrier due to its greater height and prominent siting to the site frontage. Although the front boundary has been kept open, the position of the fence perpendicular to the road increases its prominence. It does not reflect the more modest front boundary treatments to the terrace, where there are no other high fences, or the softer appearance of the boundary hedges. Therefore, notwithstanding the high-quality materials used, the two metre high section of the fence appears as an incongruous form of development which detracts from the appearance of the host property and the street scene.
7. During my site visit I observed various other boundary treatments, including fences, within the surrounding area. However, the planning history of these is not before me, and their specific designs and contexts are not identical to the appeal scheme, which I have considered on its own merits. Moreover, some of the examples referred to by the appellant are uncharacteristic of the prevailing character of the area and do not justify the harm arising in this case.
8. I therefore conclude that the development is harmful to the character and appearance of the host property and the surrounding area. As such, it conflicts with Policies CS8 and SIE-1 of the Stockport Metropolitan Borough Council Local Development Framework: Core Strategy DPD (2011) (the CS) which seek, among other matters, to promote high-quality design which responds to the character of the local area. It also conflicts with chapter 12 of the Framework which requires development to be sympathetic to local character.

Highway and pedestrian safety

9. Buxton Road is a busy 'A' road with double yellow lines along this stretch, and there is a bus stop outside No 147. The fence is situated between the driveways of Nos 149 and No 151 which are of sufficient length for vehicles to be parked just clear of the pavement. There is a slight slope downwards from the highway to the front of the house.
10. That section of the fence closest to the pavement has been kept to one metre in height to aid visibility. However, the two metre high section further back affects visibility to the east for a vehicle emerging onto Buxton Road from the driveway at No 149, which is exacerbated by the slight slope down from the pavement to the front of the house. It similarly affects visibility to the west for a vehicle emerging from the driveway of No 151. Visibility for a vehicle pulling out of the driveways in forward gear is not significantly limited as the driver can largely see over the one metre section of the fence in both directions. However, sightlines are restricted for a vehicle reversing out, as the driver will generally be closer to the front of the house where the two metre section of the fence is higher than the driver's position, whether in a smaller vehicle or a four-wheel drive.

11. Although approaching pedestrians using the pavement may be able to see vehicles parked on the driveways, there is the potential for drivers not to see them when reversing out until the vehicle is across the pavement, especially if it is parked close to the higher section of the fence. That is a potentially hazardous situation which is not in the best interests of highway or pedestrian safety.
12. The appellant has referred to Rule 201 of the Highway Code which states that “when using a driveway, reverse in and drive out if you can”. While following that advice will improve visibility, there have been occasions when vehicles have exited the driveways of both properties by reversing out onto the road, as demonstrated by historic street images, and there is nothing to prevent them from doing so again in the future.
13. For the above reasons, I conclude that the development is harmful to highway and pedestrian safety. It is therefore contrary to Policy T-3 of the CS which resists development that would have an unacceptable impact on highway safety. I also find conflict with paragraph 116 of the Framework which advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.

Other Matters

14. The appellant says that the fence enhances their privacy and limits views of a large commercial vehicle parked at No 151. However, there is no convincing evidence before me to indicate that the appeal proposal is the only means of achieving these benefits which do not outweigh the harms identified above.
15. I note the concerns raised by the third party regarding the effect of the development on their living conditions. The Council has not found harm in this respect, and I have no reason to disagree based on the evidence before me and my observations of the site.

Conclusion

16. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken otherwise in accordance with the development plan.
17. Therefore, the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M Ollerenshaw

INSPECTOR