
Appeal Decision

Site visit made on 29 April 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/M0655/D/25/3360847

68 Kingsley Drive, Appleton, Warrington WA4 5AF

- 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 M Pimlott against the decision of Warrington Borough Council.
 - The application Ref is 2024/01519/FULH.
 - The development proposed is the erection of a boundary treatment at 68 Kingsley Drive, Appleton.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary treatment at 68 Kingsley Drive, Appleton, Warrington WA4 5AF in accordance with the terms of the application, Ref 2024/01519/FULH, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and drawing number 1593_02_05 Site Plans & Elevations.

Applications for costs

2. An application for costs was made by Mr M Pimlott against Warrington Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A fence of 2.4 metres in height has already been erected, the proposed retention of which was subject to an appeal that was dismissed in 2024¹. The current appeal proposal is to reduce the height of this fence to 1.8 metres.
4. Reference is made by the appellant in their appeal submissions to a gate, however no elevational details are provided on the plans submitted and the gate is not on the boundary of the appeal site. Therefore, on the basis of the plans and the description stated on the planning application form, I have determined the appeal solely with regard to the fence.

Main Issue

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

¹ APP/ M0655/D/24/3339585

Reasons

6. The surrounding area is for the most part open plan with an absence of high boundary treatments being found adjacent to the public highway. The 2.4 metre fence that is currently present runs a significant length along Warren Drive and is an imposing feature in the street scene. I concur with the Inspector in the previous appeal that this fence causes significant harm to the character and appearance of the area.
7. The reduction in height by 0.6 metres would however go a substantial way to reducing this impact. The fence would remain a notable feature in the street scene and one which is not directly replicated elsewhere, but it would have a much less imposing visual impact because of its lower height. It is also of relevance that the fence encloses the side boundary of the rear garden area as opposed to the frontage of the property. The House Extensions Supplementary Planning Document 2021 (SPD) sets out that 1.8m high fencing/walls may be acceptable where they are required to provide privacy to private rear garden areas on corner plots.
8. The garden level of the appeal property is considerably elevated above the level of Warren Drive and there are two outbuildings along this side boundary. It is not clear if the ground level relationship and the outbuildings are a result of recent works that have taken place to the property, but in any instance the Council does not suggest that those works were not authorised. I therefore proceed on the basis that those works would be retained as existing, irrespective of the outcome of this appeal.
9. That being the case, if the fence were to be considerably lowered the two outbuildings would themselves become dominant features in the street scene and there would be some views available into the private rear garden of the appeal property from Warren Drive. In this context, the appeal proposal strikes a reasonable balance between providing some screening for the outbuildings and providing privacy whilst not having an overly dominant impact on the street scene.
10. An interested party raises concerns that the outbuildings would be more visible if the fence were to be reduced in height as is proposed. However, if the appeal were to be unsuccessful it is likely that any fence that could be retained as permitted development would be lower still and thus reveal more of the outbuildings in question.
11. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, it would accord with Policy DC6 of the Warrington Local Plan 2023 where it seeks to safeguard the quality of place. There would also be no conflict with the aims of the SPD in the same regard.

Conditions

12. As the higher fence is already in place and in effect the development has begun, it is only necessary to impose a condition confirming the approved plans to provide certainty as to the height of the fence that is permitted. Therefore, that is the only condition that is necessary in this instance and indeed is the only condition suggested by the Council. The removal of permitted development rights at the property, as is suggested by an interested party, would not be reasonable,

necessary or relevant to the development to be permitted and therefore would fail to meet with the tests set out in paragraph 57 of the National Planning Policy Framework.

Conclusion

13. For the reasons given above, the appeal should be allowed.

Graham Wright

INSPECTOR