



Appeal Decision

Site visit carried out on 16 April 2025

by Jennifer Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/R0660/D/25/3361333

Olive Tree House, Church Way, Wybunbury, Nantwich CW5 7SB

- 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 and Mrs Manueto against the decision of Cheshire East Council.
 - The application No is 24/3572N.
 - The development proposed is described on the application form as various internal works, new single storey extension to front/side and new higher fencing/brickwork posts to side.
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Decision

1. For the reasons that follow, the appeal is dismissed in relation to the increase in height of the fencing/brickwork to the side.
2. However, the appeal is allowed in relation to the remainder of the development and planning permission is granted for the erection of a single storey extension at Olive Tree House, Church Way, Wybunbury, in accordance with the terms of the application, 24/3572N, and the plans submitted with it (so far as they are relevant to that part of the development hereby permitted) subject to the conditions set out in the attached schedule.

Preliminary Matters

3. No issue is taken with the majority of the development for which permission is sought. I have no reason to disagree. The internal works proposed do not require planning permission and the modest, single-storey extension proposed would fill in an open part of the porch beneath the existing porch roof. There would be no harm to the character or appearance of the area in this regard. The Council does take issue however, with the proposed increase in height of the existing boundary fencing and brick piers along the back of the footway on the Church Way frontage, along the side of the property.
4. The grounds of appeal indicate that it is not necessary to have the new height applied to the whole of the fence facing Church Way, which runs alongside both the courtyard and the back yard. It is simply required to provide privacy to the private grounds of the property. However, no details of any alternative scheme are before me. In any event, I am required to reach my decision on the basis of the same plans that informed the Council's determination. Any alternative scheme would need to be the subject of a separate application, for consideration by the Council in the first instance.

Main Issue

5. In light of the forgoing, the main issue in this case relates to the effect of the proposed boundary treatment on the character and appearance of the area.

Reasons for the Decision

6. Olive Tree House sits sideways on to Church Way. The boundary to the rear garden, which backs onto a private parking area, and the length of the Church Way frontage, is defined by roughly 1.5 metre high close boarded timber fencing set between brick piers at regular intervals. Access to parking spaces and a turning head lie adjacent to the northern (front) boundary of the site, which boundary is defined by a brick wall roughly 2m in height. The wall returns for a short distance along the Church Way frontage. Part way along the site frontage to Church Way is a field gate which allows for vehicular access onto the front of the site. It is proposed to increase the height of the entire length of fencing and piers along the Church Way frontage to around 2m.
7. The development proposed would not introduce fencing along the back of the footway in an area where none exists at present – the street scene here is already characterised by fencing along the back of the footways along both sides of the road. However none is of both the height and length (some 36m in total) as that proposed.
8. The length of footway that is adjacent to the rear garden of the appeal property is separated from the carriageway by a wide grassed verge. That open area would, in my view, mitigate the impact of the proposed increase in height to some extent, but only for that stretch. Whilst the appellants have indicated a willingness to consider a shorter length (their stated desire being to create some privacy for their very exposed rear garden space) I can only consider the scheme that is before me, which runs along the whole length of the Church Way frontage. When considered in its entirety, the proposed increase in height over the 36m length proposed would, in such a prominent position at the entrance to this residential area, be seen as an unduly dominant and intrusive feature that would materially detract from the residential character and appearance of the area.
9. In support of the appeal, my attention was drawn to other stretches of 2m high close boarded fencing along the rear of the footway elsewhere in the area. I had a close look at all those referred to,¹ including some where rear/side gardens would otherwise be open to public view. However none was directly comparable to, or sets a precedent for, the arrangement at the appeal site, which scheme I have considered on its own merits in light of the site-specific circumstances.
10. My attention was also directed to the large Black Locust tree in the corner of the rear garden. I fully appreciate that it is much higher than the 2m high fencing proposed, but it is a natural feature that is not at all comparable with the proposed fencing in terms of its impact on the street scene and the character and appearance of the area.
11. For the reasons set out above, I conclude on balance that the appeal should not succeed in relation to the proposed increase in height of the fencing/brickwork piers along the Church Way frontage. However, the proposed single-storey extension, which is clearly severable from the proposed fencing, is acceptable and the appeal succeeds in this regard.

¹ Including Nos 1, 17, 18 and 45 Church Way, Nos 1, 19, 22 and 23 Gorsey Bank Crescent, No 4 Fields View Close and Nos 28 and 46 Main Road

12. In terms of conditions, in addition to the standard time limit on the commencement of development and the clarification of plans, which is necessary in order to create certainty for all, it is necessary to ensure that the external materials match those on the existing dwelling in the interest of visual amenity

Jennifer A Vyse
INSPECTOR

SCHEDULE OF CONDITIONS

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Olive Tree House, Church Way, Wybunbury, Nantwich CW5 7SB

- 1) The development hereby permitted, namely a single-storey front/side extension, shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on plan No 24/0907(2)B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

-----End of Conditions Schedule-----