



Appeal Decision

Site visit made on 3 June 2025

by **A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/P4225/D/25/3358343

26 Linnet Hill, Rochdale OL11 4DA

- 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 Mrs Claire Smith against the decision of Rochdale Borough Council.
 - The application Ref is 24/00952/HOUS.
 - The development proposed is 1) erection of a 1.0 metre high wall and 1.5 metre laurel hedge along front boundary of the residential curtilage. 2) erection of an independent 1.8 metre high fence and automated gate within the front garden area of the property. The fence and gate is to be set back into the property a distance of 2.1 metres from the boundary and the back of footway on Linnet Hill.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the application form. Although different to that on the decision notice, confirmation that a change was not agreed has been provided.

Preliminary Matters

3. Following recent enforcement action by the Council, and since the appeal was made, the composite fence and gates indicated on the 'existing' site, streetscene and boundary detail plans submitted with the appeal have been removed.
4. Both parties have referred to previous planning applications, an appeal decision and a Certificate of Lawfulness of Proposed Development (CLPD) relating to various proposals for front boundary fencing at the site¹. Whilst having regard to the previous decisions as a material consideration, I have reached my own conclusions on this proposal based on the evidence before me.

Main Issue

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

Reasons

6. Linnet Hill is a suburban residential street. The appeal site comprises a detached dwelling set back behind a sloping drive on a prominent corner plot. Due to the curvature in the street, it is clearly visible when entering Linnet Hill.

¹ LPA ref: 21/00951/HOUS and associated appeal ref: APP/P4225/D/21/3287517; LPA ref: 22/00193/HOUS; LPA ref: 24/00243/CPL

7. Most of the front boundaries in the area are low walls or fences, or hedges of varying heights. I saw no gates to driveways on the street with the exception of the property at the end of the Linnet Hill cul-de-sac and 2 Half Acre Drive where the gates were of a tall but open design allowing views from the street into the front garden, thus reducing their visual prominence. Overall, the absence of high front walls and fences and the prevalence of landscaping contributes positively to a feeling of leafy openness along the street.
8. The proposed boundary would comprise of a low rendered wall adjacent to the footway with a laurel hedge behind, beyond which would be a grey coloured composite fence and automated sliding gate. While the height of the fence would be 1.8 metres where it adjoins 24 Linnet Hill, due to the topography of the street and the incline of the drive, the elevation plan indicates the overall height of the fence when viewed from the street would be higher where it adjoins 28 Linnet Hill. Although the appellant suggests that the fence and gate could be cut into the ground, that is not apparent from the plans.
9. Nevertheless, the proposed hedge would provide a softening effect in assimilating the composite fence into the surroundings. A hedge would take time to grow and fill out before fully screening the composite fence. However, I recognise that, in time, much of the fence would be screened and, in the event I allowed the appeal, the appellant's evidence suggests their agreement to the imposition of a suitably worded condition for the specification and maintenance of the hedge.
10. Despite this, the gap between the fence and the hedge, together with the gap created by the vehicular access to the property would mean that views of the composite fence from the street would still be obtainable. Importantly, the automated gate would remain clearly visible. Its wide, solid appearance and composite material would jar with the muted tones and natural materials of surrounding boundary walls and hedges and its solid structure would preclude views through it.
11. Even if the proposed fence and gates were of high quality that complement the modern appearance of the appeal property, a fence behind another fence/wall is not part of the prevailing character of the area. While I consider the rendered wall would be visually acceptable due to its low height and the softening effect of the hedge, overall, the proposed development would combine to form a higher, prominent, solid and formal means of enclosure compared to surrounding open frontages. It would introduce a visually unsympathetic form of development which would be discordant within its environs.
12. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Consequently, it would conflict with Policies P3 and DM1 of the Rochdale Adopted Core Strategy, October 2016 and Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, adopted March 2025. Together, these policies seek, amongst other things, that development respects the character and identity of locality in terms of design, siting, size, scale and materials. It would also be contrary to guidance set out in Chapter 12 of the National Planning Policy Framework concerning well-designed places.

13. The decision notice refers to the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document, adopted June 2016. However, this document makes no reference to boundary treatment and is therefore not directly relevant to the main issue in this appeal.

Other Matters

14. Reference has been made by the appellant to fallback. Firstly, to the potential construction under permitted development rights of a similar fence and gate. Permitted development rights are available for the erection of fences under Class A Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
15. The permitted development rights allow the erection of fences up to 2 metres height, or 1 metre where adjacent to the highway. There is no definition of the word 'adjacent' within the GPDO but case law² shows that the meaning of 'adjacent' in the context of the GPDO does not equate to contiguous or abutting. The thrust of case law is that fences can be set back from a highway but still be 'adjacent' to it, as a matter of fact and degree providing that the enclosure is clearly to define the boundary of the property concerned from the highway and, moreover, is perceived to do so.
16. In this case, there would be a strong visual relationship between the appeal proposal and Linnet Hill. Given its proximity and in the absence of any intervening features, I consider, as a matter of judgement, that despite comprising of several elements, the development as proposed would form a cohesive development that would be adjacent to the highway. Accordingly, I find that this fallback position as described by the appellant, does not exist.
17. The second fallback position to which the appellant draws my attention is the CLPD I have referred to above. Even if I were to accept that there is a greater than theoretical possibility of this being implemented, it would be of significantly lower height than the appeal proposal. Therefore, while a material consideration, I afford it little weight. Accordingly, this fall-back argument does not justify the harm I have identified, as a lower boundary treatment would have a less harmful impact on the character and appearance of the area
18. The appellant suggests the fence/gate design and materials could be changed to timber or vertical steel bars. However, that is not the proposal before me. This matter could not, in my view, be subject to the imposition of a suitably worded condition because such a change would relate to the substance of the reason for refusal. Furthermore, the Procedural Guide – Planning Appeals – England (2016) advises that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
19. I note the reasons why the appellant has proposed the front boundary treatment, including that it is required for privacy and security purposes. It is inevitable in residential areas where there is generally a degree of mutual overlooking between properties, and in certain circumstances such as that where the appeal site is located, on a prominent plot, that the frontages of some dwellings are more visible

² *Simmonds v SSE & Rochdale MDC* [1980] 40 P. & C.R. 432

than others within the public realm. Even so, there is no reason why an alternative, less visually harmful boundary treatment could not provide an acceptable level of privacy for occupants of the appeal property, as I saw was achievable along other frontages on Linnet Hill.

20. Whilst the security of the site may be a personal benefit to the appellant, it is an important consideration as the Framework seeks to create places that are safe, and where crime and disorder and the fear of crime do not undermine the quality of life. Nevertheless, no substantive evidence has been provided to suggest to what degree security is an issue or that the appeal proposal is the only way to achieve the appellant's security objectives. I am not therefore persuaded that matters relating to privacy and security offer any notable justification for the proposal or that there is any objective credence to the appellant's argument that it is inevitable that similarly designed front boundaries would be likely to be introduced on the street in the future.
21. In support of the proposal, the appellant has drawn my attention to other boundary treatment that has recently been granted permission by the Council. From the information before me, I note the site at Middleton Road is along a main road and the site at Dixon Fold does not appear to sit within a similar residential context as the appeal site. The circumstances of these cases are not therefore comparable to the appeal site and do not provide justification for a seemingly similar installation in a location with different visual characteristics. In any event, while consistency in decision-making is important, I have determined the appeal on its own merits and concluded that it would cause harm for the reasons set out above.
22. The appellant refers to a presumption in favour of sustainable development. Visually attractive development is a key element of sustainability as set out in paragraph 135. In this case, given that the development is harmful to the character and appearance of the area, it does not constitute the sustainable development that the Framework seeks to achieve.
23. I have also noted the appellant's comments highlighting absence of identified harm to neighbours' living conditions, highways, trees, ecology and that the site is not subject to any heritage designations. Even if I were to agree that there would be no unacceptable effects relating to these matters, these are neutral factors which would not outweigh the harm identified.
24. I acknowledge that there was engagement with the Council and genuine enquiries were made to re-use the composite fence at a lower height. However, communications prior to the Council's decision do not have a bearing on my consideration of the main issue, as set out above.

Conclusion

25. For the reasons given above, the proposal conflicts with the development plan taken as a whole, and the Framework, and there are no material considerations of sufficient weight to lead me to conclude otherwise. Therefore, the appeal is dismissed.

A Veevers

INSPECTOR