
Appeal Decision

Site visit made on 28 July 2025 by Sara Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/M0655/D/25/3367442

50 Brickhurst Way, Woolston, Warrington WA1 4LG

- 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 Stephen Farrington against the decision of Warrington Borough Council.
 - The application Ref is 2024/01416/FULH.
 - The development proposed is a retrospective application for the installation of timber board fencing to rear garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of Numbers 48 Brickhurst Way (No. 48) and No. 52 with specific regard to outlook.

Procedural Matters

4. The appellant has indicated a willingness to submit amended plans to accurately reflect the development as constructed. While this may or may not have been the subject of discussions between the main parties during the life of the application, the appeal process is not intended to serve as a means to evolve or revise a scheme. The appeal must be determined based on the proposal originally considered by the Council and made available for public consultation. Accordingly, and for the avoidance of doubt, I have assessed the scheme on the original plans. Namely, the Site Plan & Boundary Treatment Plan 102 and Site Sections 801 and referred to the proposed development accordingly.

Reasons for the Recommendation

Character and Appearance

5. The appeal building is a semi detached dwelling in a residential area. Itself characterised by buildings and associated curtilages of similar size, design and general presentation. Rear gardens, neighbouring the appeal site, are terraced as

the land slopes away towards a recreation ground. They are enclosed by a combination of planting and staggered timber fencing.

6. The fence would be in timber and have a stepped height profile along both sides where it adjoins neighbouring gardens. The height thereof at these points would be only slightly taller than corresponding fences. Additionally, and as the land slopes away from the rear of the dwellings, the perceived height of the fence is reduced when viewed therefrom. As such, the fencing would not be out of scale with its context and the sense of enclosure it provides would not be dissimilar to that created by other rear garden boundary treatments in the surrounding area. Its intended material is typical of that surrounding a private residential garden.
7. For these reasons, the development would not harm the character and appearance of the area. As such it would comply with Policy DC6 of the Warrington Borough Council Local Plan 2021/22 – 2038/39 (2023) (LP). As well as the guidance contained in the House Extensions Supplementary Planning Document (2021) (SPD) which, amongst other things, require development to be of high quality design, having regard to layout and materials.

Living Conditions

8. The fencing along the boundary with No. 52 would be lower in parts than typical rear garden boundary treatments. Its height would increase in a stepped manner, following the slope of the land away from the rear elevation. Mature landscaping has been established along this boundary that would help soften it in the visual sense when viewed from the garden.
9. The occupiers of No. 48 have erected several garden structures along the boundary with No. 50. Whilst sections of the fencing would be visible along this boundary, its height would not significantly exceed that of the existing boundary fence, which remains in place behind. Although parts of the fence have not been finished to a high standard, it would not be unduly dominant or overbearing in planning terms because of this. As such, the fencing would not result in an unacceptable loss of outlook for either of the neighbouring occupiers and their gardens would otherwise be of reasonable size and unencumbered in their aspect.
10. Therefore, the fence would not cause harm to the living conditions of neighbouring residential occupiers, having regard to outlook. Consequently, it would comply with Policy ENV8 of the LP and guidance contained in SPD, which, amongst other things, seek to ensure development is designed so as not to result in a harmful or cumulative impact on the general levels of amenity.

Conclusion and Recommendation

11. Despite the Council's concerns over the accuracy of the submitted plans, I have been able to make an assessment as to the effects of the scheme in planning terms based on what appears to be the appellant's intention and the basic parameters of the information shown. Whilst one could impose a condition for the development to be carried out in accordance therewith and the height discrepancy matter be dealt with between the main parties going forwards (since it in itself is a minor issue in the grand scheme) the lack of clarity in the detail of the elevations prevents such. In that they show diagonal coloured lines when it is clearly the appellant's intention to keep the fence as horizontal planks supported by vertical

battens. Thus, a condition identifying the 'approved plans' would not be correct or appropriate and unenforceable with the above in mind.

12. Notwithstanding my findings on the main issues therefore, and for this technical reason, I am unable to recommend allowing the appeal. Put simply, the result of an allow would mean that a planning permission would be granted. That planning permission would have to relate to some form of sufficiently precise documentation which is, in this case, is not present.

Sara Manson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR