
Appeal Decision

Site visit made on 16 September 2025 by T Morris BA (Hons) MSc

Decision by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/Q4245/D/25/3370250

184 Thirsk Avenue, Sale, Trafford M33 4GW

- 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 Miss Victoria Nottingham against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 115463/HHA/25.
 - The development proposed is removal of conifer hedge row which was approximately 3metres high and wooden lap panels with brick pillars which were 1.8metres high on Thirsk Avenue. Erection of new fence with 1ft concrete base panel and 5ft wooden panels. Access gate in same position as prior.
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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.

Application for Costs

3. The appellant has submitted an application for costs. That is subject of a separate decision.

Preliminary Matter

4. The development has already been undertaken. The planning application was submitted retrospectively, and I have considered the appeal on that same basis.

Main Issues

5. The main issues are the effect of the development on:
 - i) the character and appearance of the area; and,
 - ii) highway safety.

Reasons for the Recommendation

Character and appearance

6. The appeal property comprises a two-storey dwelling situated at the corner of Firs Way and Thirsk Avenue. The boundary treatments along Firs Way are predominantly formed of low wooden fences which have a discreet presence in the

street scene. While boundary treatments are more varied along Thirsk Avenue, they are nevertheless still mostly formed of low-level fencing and hedges. Furthermore, Firs Way features trees and grass verges which creates a verdant feel in the street scene. Overall, the predominance of low-level boundary fences together with the landscape features particularly along Firs Way contributes to an open character which has a positive impact on the character and appearance of the area.

7. Due to the height of the boundary fencing together with its solid design and materials, the development has a stark and enclosing presence along Firs Way and Thirsk Avenue. The fencing has a dominant presence in the street scene and appears incongruous with the low-level and generally more discreet boundary treatments in the area. Consequently, the development has eroded the open character of the area, particularly when viewed along Firs Way.
8. There are some examples of fences in the area of a similar height to the development, including those referred to by the appellant. However, these do not form part of the prevailing character of the area in terms of boundary treatments. Furthermore, I do not have the full details of the circumstances in which these were erected. The appellant also refers to a housing development near Epsom Avenue, but no further details of this have been provided in order to make a full comparison with the appeal scheme. Accordingly, these examples do not convince me that the boundary fencing at the appeal site is acceptable.
9. The appellant also states that the dwelling's elevation facing Firs Way is its rear elevation. However, even if I was to accept that the boundary fence to Firs Way is the rear boundary of the property, it is still out of character with the street scene particularly along Firs Way, regardless of whether it encloses the rear or front garden. For these reasons, the property's orientation does not justify the harm caused by the fence.
10. I therefore conclude that the boundary fencing is harmful to the character and appearance of the area. It conflicts with Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan (2024), which requires that developments respect and acknowledge the character and identity of the locality, amongst other things.

Highway safety

11. The main access to the appeal site is provided from Thirsk Avenue, a residential cul-de-sac which serves other dwellings as well as a parking area. There is also a narrow footpath running either side along the site's access.
12. Due to the height of the boundary fencing as well as its solid design, it significantly restricts visibility for drivers emerging from the driveway of the property. Similarly, from the perspective of pedestrians using the footpath adjacent to the access, the fencing restricts sight of vehicles emerging from the driveway over the footpath and onto the highway. Consequently, the boundary fencing has created an unacceptable risk to users of the footpath in terms of the potential conflict with vehicles leaving the appeal site.
13. The appellant refers to irresponsible parking occurring on Thirsk Avenue, including vehicles blocking the footpath as well as the access to the appeal property.

Although I did not observe any such issues on my site visit, such matters only add to my concerns since any additional vehicles around the site's access and on the footpath would further restrict visibility for vehicles exiting the site.

14. A plan¹ submitted with the appeal includes visibility splays which were evidently discussed with the Council during the planning application process. However, this includes a comment which advises that 'Pedestrian visibility splays must be kept clear of walls, fences, hedges, vegetation and other objects exceeding 0.6m in height to ensure highway safety is retained to the rear.' Given the height of the fence, it is unclear as to how this visibility would be ensured.
15. The appellant also states that highway safety concerns could be overcome by modifications to the scheme to be secured by condition. However, there are insufficient plans before me of any such modifications and in any event, the appeal process should not be used to evolve a scheme. I am not therefore persuaded that a condition would be sufficient to alleviate the potential harm to highway safety.
16. I therefore conclude that the boundary fencing is harmful to highway safety. It conflicts with Policy L7 of the Trafford Core Strategy, which requires that developments incorporate vehicular access and egress which is satisfactory laid out having regard to highway safety.

Other Matters

17. I acknowledge the benefits of the boundary fencing. This includes privacy and security for the appellant's family, the creation of a usable private garden space, as well as noise reduction from the main road. The appellant has also invested in the property which they state was in a poor condition previously and where there was a history of anti-social behaviour. Evidence has also been put forward of crime statistics in the area. However, noise and reduced privacy would not be unusual in a dense urban area, and these factors overall mostly amount to private benefits to the appellant. They do not justify the totality of the harm of the development. Moreover, I am not convinced that other less harmful methods could not be explored to provide the desired improvements to their living conditions.
18. If the appellant believes that the boundary fencing is permitted development, the correct method to determine whether or not this is the case is through a lawful development certificate. My recommendation is instead based on the planning merits of the scheme.
19. While the appellant refers to a landscaping plan, there are no substantive details of such a plan before me. Furthermore, even if a landscaping plan would soften the appearance of the boundary fencing by creating a green screen, this would not obviate the harm to highway safety.
20. Concerns were also raised regarding a lack of access to the Local Highway Authority consultee comments. The appellant's evidence however indicates that some communication took place regarding highway safety matters. In any case, such procedural concerns do not alter my findings on the appeal overall.

¹ Drawing Ref: P2E070425

Conclusion and Recommendation

21. The development conflicts with the development plan as a whole, and there are no other material planning considerations which would alter this finding. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

C McDonagh

INSPECTOR