
Appeal Decision

Site visit made on 7 January 2026

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/A2335/D/25/3369183

24 Kennedy Close, Lancaster LA1 5ES

- 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 Raphael Treffny against the decision of Lancaster City Council.
 - The application Ref is 25/00249/FUL.
 - The development is boundary treatment to West and South elevation including replacing existing 1.95m high hedge with 1.95m high timber fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the heading is taken from the application form, which is the same as the Council's decision notice. A slightly different forename is provided on the appeal form. The appellant has clarified that the correct forename is that used on the application form. I have therefore proceeded on this basis.
3. I have taken the description of development from the application form, omitting wording that is not an act of development. Although different to that on the decision notice, no confirmation that a change was agreed has been provided. The fence has been erected, appearing to be so in accordance with what is shown on the submitted plans. I am therefore considering this appeal retrospectively.

Main Issue

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

Reasons

5. The appeal site, 24 Kennedy Close (No.24), is a detached two-storey property within a residential area. It is located on a corner plot close to the end of a cul-de-sac. A timber close-boarded fence has replaced a hedgerow that formed the side boundary of the property fronting Kennedy Close. The fence also extends across and alongside the former driveway of No.24 where it forms the boundary with 22 Kennedy Close (No.22) to enclose it, and No.24's garage, within the rear garden.
6. Kennedy Close comprises of detached two-storey houses located on a hillside and is part of a wider residential estate known as Abraham Heights. The area features a mix of house types that, in the vicinity of the appeal site, are generally of a similar age with houses set back from the road behind open front gardens and driveways. The absence of front walls and fences and the prevalence of mature

landscaping contribute positively to the character of the area and a feeling of leafy openness along Kennedy Close.

7. Whilst the enclosure of the former driveway and garage at No.24 would in itself be acceptable, due to its length, height, solid construction and position close to the road, the fence appears as a stark and blank visual feature in an otherwise verdant street scene. In the context of vegetated frontages along Kennedy Close, the fence does not complement the prevailing character of the area and is visually harmful.
8. Even though No.24 is located in a cul-de-sac, there is an extensive network of footways in the area, including at the end of the cul-de-sac, where a path links Kennedy Close with Sizergh Court, Roosevelt Avenue and Leighton Drive. Although a grass verge separates the fence from the road, it is of limited width. For pedestrians using the network of footways and those residing in or visiting Kennedy Close, the fence is highly visible.
9. The appellant suggests that a trellis could be installed on the fence to provide scope for climbing plants and contribute towards biodiversity. While that may be so, it is not indicated on any plans before me and neither has any landscaping scheme been presented. Nevertheless, in the event I were to allow the appeal, I have considered the use of a planning condition to address this matter. Whilst climbing plants may be appropriate along the short boundary with No.22 where the fence is already partially screened by vegetation in the front garden of No.22, they would not overcome the harm I find in relation to that part of the fence that runs along the side of the property parallel with the road. Given the considerable length and height of this fence, climbing plants would be unlikely to significantly soften its appearance nor fully replicate the landscaping generally found in the area. Furthermore, it is unclear from the information before me whether there are public services under the grass verge adjacent to the fence that may prevent the growing of plants.
10. For the above reasons, I conclude that the development is harmful to the character and appearance of the area. It conflicts with Policy DM29 of A Local Plan for Lancaster District 2020-2021, Part Two: Development Management Development Plan Document (climate emergency review), adopted 22 January 2025, which amongst other things, seeks development that contributes positively to an area's character. It would also be contrary to guidance set out in paragraph 135 of the National Planning Policy Framework (the Framework) that relates to well-designed places.

Other Matters

11. My attention has been drawn to the existence of other examples of fencing in the area. I do not have full details of these other fences, their planning status or the considerations at the time of their erection. Nonetheless, I observed at my site visit that fences alongside public roads in the area are limited in number and they do not represent a defining or positive characteristic boundary treatment. In any event the fact that apparently similar fences can be seen is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
12. The appellant advises that the previous hedge had deteriorated and the fence would increase the privacy, safety and security of the property, particularly in light

of a previous theft at No.24 and because children may use the garden. This important consideration is recognised in paragraphs 96 and 135 (f) of the Framework which supports developments that create places that are safe, promote health and well-being and where crime and disorder and the fear of crime do not undermine the quality of life.

13. I have also had, at the forefront of my mind, regard to Article 3 of the United Nations Convention on the Rights of the Child. This requires that the best interest of the child is a primary consideration in all actions concerning children and I have considered the appellant's rights under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998 with regard to the peaceful enjoyment of their home (Article 1) and the right to respect for private and family life (Article 8).
14. As a consequence of dismissing the appeal the appellant would be unable to enclose the garden in the way set out in the appeal scheme. However, there is no compelling evidence to indicate why the hedge could not have been supplemented or replaced or that there is no other less visually harmful form of boundary treatment that would also achieve the appellant's security and privacy objectives.
15. The harm I have identified to the character and appearance of the area in this case is such that the interference with all the rights above would be in accordance with the law and in pursuance of a legitimate aim which is the regulation of the development of land in the public interest through the planning process. Given the circumstances overall, I find that dismissal of the appeal is both proportionate and necessary.
16. Paragraph 10 of the Framework refers to a presumption in favour of sustainable development. The appellant's claim that the development meets an economic or environmental objective has not been substantiated by any evidence. Moreover, a high standard of visual amenity 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.
17. Although there were no objections to the fence from neighbouring properties or the Highway Authority, a lack of objection is not a reason to approve unacceptable development.

Conclusion

18. The development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Ann Veevers

INSPECTOR