



Appeal Decision

Site visit made on 1 February 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2022

Appeal Ref: APP/U2370/D/21/3286481
29 Ringway, Cleveleys, Lancashire FY5 2NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Debra Evans against the decision of Wyre Borough Council.
 - The application Ref 21/00544/FUL, dated 14 April 2021, was refused by notice dated 20 August 2021.
 - The development proposed is to erect a 2 metre fence and gate to the front elevation. Replacing existing damaged and unsafe 2 metre fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the decision notice the development is described as a retrospective application for the erection of a 1.82m high close boarded fence to the northern and eastern boundaries, including 1.82m high access gates within eastern elevation. The appellant points out that the location in this description is wrongly stated and the northern and eastern boundaries should read the northern and western boundaries. The Council agree that this is an error. For the avoidance of doubt, I have considered this appeal on the basis of the description as corrected from the decision notice, changing northern and eastern boundaries to northern and western boundaries. This change is for clarification only and does not alter my assessment of the main issues identified below.

Main Issues

3. I consider that the main issues are the effect of the fence on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and Appearance

4. The appeal site is a semi-detached dwelling located on a bend in the road and the fence and gates subject to this appeal have already been erected. The appellant states that they replaced previous damaged fencing. The gates and a

section of the fence are adjacent to the pavement to the west of the dwelling. There is also a section of fence linking this fence with the western elevation of the dwelling itself and another section running from the gates along the northern boundary of the site.

5. Due to the location of the fence and gates close to a bend in the road, they are very prominent in the street scene. It is especially noticeable because most of the other dwellings in the area have low walls/fences and therefore that at No 29 is higher than the boundary treatments that generally characterise the area. The residential properties are also mainly bungalows although some have dormer windows. The low eaves of the dwellings in the area contributes to the prominent appearance of the fence and gates at No 29.
6. I appreciate that there was a previous wall and fence and the appellant has sought to replace this. However, it is not the purpose of this Section 78 appeal to determine what may or may not have been permitted development and so I have considered the appeal on the basis of the scheme before me.
7. Local Plan¹ policy CDMP3 seeks to achieve a high standard of design and amongst other things, requires development to make a positive contribution to the local area. The gates and fence are of a height and location where they appear at odds with the character and appearance of the area. They do not reflect the general low level boundary treatments evident in the immediate area and so stand out as prominent and intrusive. As such they conflict with Local Plan Policy CDMP3.
8. The appellant points to other fences in the area and I saw those at Nos 39 and 41 Ringway. However, whilst they share some similarities with No 29, I have no information about their planning status but in any event, they serve only to demonstrate further the impact on the street scene of taller fencing given the overall general character of low boundary treatments.
9. On this issue therefore, I find that the fencing is harmful to the character and appearance of the area and conflicts with Policy CDMP3.

Highway Safety

10. Due to the location and height of the gates and fence, vehicles leaving the driveway of No 29 and the adjacent driveway at No 27 would not have a clear view of approaching pedestrians and therefore the proposal creates a potential hazard. I note that the consultation response from Lancashire County Council highways department suggests alterations that could overcome these concerns. However, my decision is based on the submitted scheme before me and not how they might be altered.
11. Local Plan Policy CDMP6 indicates that development will be permitted provided it meets a set of criteria. Amongst other things, these include a requirement that road safety and the safe, efficient and convenient movement of all highway users, including pedestrians, is not prejudiced.
12. I consider that the proposal could prejudice the safe movement of pedestrians and therefore it would have a harmful effect on highway safety in conflict with Policy CDMP6.

¹ Wyre Council – Wyre Local Plan (2011 – 2031) February 2019.

Conclusion

13. I have considered all matters raised but none alter my conclusion. I conclude that the gates and fence have a harmful effect on the character and appearance of the area and on highway safety. The development conflicts with Local Plan policies CDMP3 and CDMP6 and therefore the appeal fails.

J D Clark

INSPECTOR