



Appeal Decision

Site visit made on 1 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/U2370/D/20/3247072

1 Bolton Avenue, Poulton-le-Fylde FY6 7TW

- 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 Mr Steve Thompson against the decision of Wyre Council.
 - The application Ref 19/01168/FUL, dated 11 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is described as 'proposed repositioning and extension of side/ rear perimeter fence to height of 1.8 metres (part retrospective)'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development has been taken from the Council's decision notice, which provides a more succinct description than that on the application form.

Main Issue

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

Reasons for the Recommendation

5. The appeal site comprises a detached house and associated gardens at the corner junction of Arundel Drive and Bolton Avenue. A 1.8 metre high vertical slatted fence is currently present along the side and rear perimeter of the property. This fence is set back from the south facing elevation of the property along Bolton Avenue and from the edge of the property boundary where the gardens meet the pavement on Arundel Drive.
6. The surrounding area is characterised by its residential use, with a variety of housing styles and plot sizes. The original estate had an open plan feel, with gardens directly abutting the pavement. On corner plots, such as the appeal site, the rear garden fencing was set in substantially from the boundary with grass verges directly adjacent to the pavement and the sense of openness was an integral part of the spacious and pleasant character of the estate.

7. Over the years a number of properties in the wider estate have enclosed the space to the side in order to extend the private garden space. The appellant has provided a number of photographs of such examples. However, it is a large estate and there are equally many examples where the original layout has been maintained. In the immediately surrounding area the open plan feel remains largely intact with the majority of properties retaining unenclosed gardens running up to the back edge of the footpath. Consequently, notwithstanding the other examples referred to the surrounding area retains its open and spacious character and the garden at the appeal site contributes positively to that prevailing feel.
8. The proposal would involve the replacement of the fence at the appeal site, for which the fence posts have been erected. It would be of the same height as that currently present and would be finished in a brown fence preservative. However, it would be a close boarded fence and would extend project further from the east facing elevation along Arundel Drive, such that it would enclose the majority of the side garden area and only be set back from the footpath by a distance of 300mm.
9. The proposal would represent the first example of a close boarded fence within the immediate vicinity. It would also distinguish the appeal site from the surrounding properties by resulting in a fence running directly alongside the pavement, rather than being set back. Due to the prominent corner location it would be particularly visible when travelling along Arundel Drive and at the junction with Bolton Avenue. Here it would be experienced in the context of the predominant open plan style of the street but also alongside the other examples of fencing in the area, which mirror the open slat and set back nature of the fence currently present on site. Accordingly, the proposal would appear as a dominant addition to the streetscape that is out of keeping with the overall character of the area on account of the reduction in openness and the specific style of the fence.
10. I recognise the need for consistency in decision making and am mindful of the other examples referred to. However, other than the previous appeal relating to No. 30 Arundel Drive it is not clear if any of the fences depicted received planning permission. Some of the examples, particularly those constructed right up to the back edge of the pavement only serve to highlight the harmful effect of enclosing the open spaces that were part of the planned character of the estate. In her comments relating to No. 30 Arundel Drive the Inspector noted that the fence would be set back from the edge of the pavement by a metre and referred to the softening effect of surrounding vegetation. The proposal in this instance would only be set in from the pavement by 300mm and there is no intervening vegetation. There is no suggestion that landscaping is proposed and, in any event, I am not satisfied the set back would be sufficient to provide planting that would soften the harsh visual impact of the fence. Consequently, the previous appeal is not directly comparable and reference to other examples within the estate does not alter my conclusions on the harm that would be caused.
11. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the surrounding area. Accordingly, it would fail to comply with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011 – 2031) February 2019.

12. I recognise the concerns of the interested parties that the proposal would prevent litter and dog fouling on the currently unfenced area of the appeal site. However, there is no evidence before me to suggest that this is a particular problem in the area such that these concerns would outweigh the harm identified above. Similarly, while the appellant has raised security concerns no evidence has been submitted suggesting that the area has high crime rates or recurring problems in this regard. Moreover, privacy in the rear garden could be achieved by other means such as planting, without the need to erect a fence in such close proximity to the pavement. Accordingly, the other matters raised do not outweigh the harm to the character and appearance of the area that would be caused by the fence.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR