



Appeal Decision

Site visit made on 28 February 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/G4240/W/22/3313168

57 Yew Tree Lane, Tameside, Dukinfield SK16 5DB

- 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 Mrs Jane Harford-Wykes against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00925/FUL, dated 18 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described as 'the proposal is to erect a new 1.8m timber fence (to match existing fences around the estate) along the new boundary line, we will require a change of use for the agricultural use to a residential use (current area of shrubbery to be removed and made into amenity space (garden))'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The parties agree from the Decision Notice and the Appeal Form that the description of development is 'change of use from agricultural land to residential curtilage. Erection of 1.8M timber fence'. As this more accurately and concisely describes the development, I have determined the appeal on this basis.

Background and Main Issue

3. The Council have referred to the change of use of land within their reasons for refusal, however I am satisfied by the Council's delegated report that it is the formalisation and enclosing effect of the proposed fence on the street scene and not the change of use of land itself which the Council oppose. Based on my site visit I have no reason to disagree.
4. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The area is predominantly residential with dwellings of a range of styles and ages set back considerable distances from the highway. The street frontages are characterised by low rise boundary treatments and soft landscaping. Tall boundary treatments, above head height, are less common and when used are typically set back from the highway or softened by planting. The appeal site is on a prominent corner plot which acts as a gateway to the adjacent streets. The existing boundary fence is set back from the highway, maintaining the openness of the area.

6. While the proposal would be of similar height and design to other fences in the area, the surrounding fences are set back from the highway with intervening planting to soften their mass. The adjacent fence to the side boundary of No 1 The Fairways is positioned at the back of the footpath and is taller than the proposed fence. However, it is constructed with both stone and timber which visually breaks up the mass and provides interest. Further, the proposed fence would be longer than the fence at No 1 and would appear unduly dominant.
7. Although the appellant disputes the designation of the appeal site as a 'functional green open space', the proposed fence would result in the loss of an open space in a prominent position adjacent the highway. The loss of this open space would reduce the overall width of the highway. When viewed in combination with the fence at No 1 The Fairways, the proposal would appear incongruous and would detract from the existing openness. Even though the planting at the appeal site has already been removed, the existing position of the boundary fence set back from the highway maintains the open gateway to the adjoining streets.
8. The appellant refers to other developments within the area which they perceive to have had a significant effect on green open spaces. While there may have been a loss of green open space, the other developments have considered the visual amenity offered by the street scene and have maintained the open character of the area's highways. In any event, I have determined the appeal proposal on its own merits.
9. Overall, for the reasons given above, I conclude that the proposal would harm the character and appearance of the area and would conflict with Policy C1 of The Tameside Unitary Development Plan Written Statement (November 2004) which expects the landscape character of an area to be respected. There is also conflict with Policy RD21 of the Tameside Residential Design Supplementary Planning Document (March 2010) where it prohibits the use of wooden panel fencing on road frontages. Similarly, there is conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive as a result of good layout and appropriate landscaping.

Other Matters

10. While I appreciate the appellant's desire to extend their private garden space, ensure adequate maintenance and pedestrian safety, encourage wildlife, prevent property damage, and reduce the occurrence of anti-social behaviours, I have no substantive evidence that the proposal would be the only solution. In any case these matters do not outweigh the harm identified above.
11. As the proposed fence would not obstruct vehicle visibility splays, I am satisfied that the proposal would not harm highway safety nor would the residual cumulative impacts on the road network be severe. In addition, the disputed loss of planting and ongoing maintenance access issue is a civil matter between the appellant and the Highway Authority and does not bear on the appeal proposal before me.
12. I note the appellant's claim that the Council has not acted positively and proactively in the determination of the application, however, this has not affected my consideration of the appeal.

Conclusion

13. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh the conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR