
Appeal Decision

Site visit made on 8 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2018

Appeal Ref: APP/M2325/D/17/3185564

Highgate Cottage, Bryning Lane, Newton with Clifton PR4 3RL

- 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 Paul Freeman against the decision of Fylde Borough Council.
 - The application Ref 17/0611, dated 22 July 2017, was refused by notice dated 28 August 2017.
 - The development proposed is the erection of brick boundary wall to western land boundary adjacent to highway, in replacement of existing hedge row.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a detached dwelling to the south of the Bell and Bottle public house. The front boundary of the appeal site largely comprises of a mature hedge, but there is also a brick wall between the vehicular access and the exit from the public house car park. Bryning Lane is characterised by residential properties that are supplemented by trees and hedgerows. The latter line the front boundaries of a number of properties in the lane. There are also examples of brick walls, but they are either low or interspersed by railings. Even though there are examples of timber fencing near to the appeal site, these do not characterise the area.
4. The Fylde Borough Local Plan As Altered (Local Plan), October 2005. Thus, the Local Plan pre-dates the National Planning Policy Framework (the Framework), which is a material consideration. A number of Local Plan policies have been saved, including Policy HL5 which explains that proposals for other forms of development within the curtilage of a dwelling including garages, garden sheds, greenhouses, animal houses, swimming pools etc will be permitted subject to criteria. While a new brick boundary wall is not specifically listed, the use of 'including' and 'etc' mean that the list is not closed to other forms of development. One of the criteria to meet is: the proposal in terms of its scale, design and external appearance is in keeping with the existing building and does not adversely affect the street scene. As Local Plan Policy HL5 is broadly consistent the Framework which explains the need for good design, it carries substantial weight.

5. In refusing planning permission the Council have also cited Policy GD7 (criteria c, e and h) of the emerging Fylde Council Local Plan to 2032 (ELP). I understand that the independent examination process is currently ongoing, but I do not also know the extent of any unresolved objections to Policy GD7. As the emerging plan has yet to be found 'sound', policies within it do not, for the time being, carry full development plan weight. However, the criteria cited by the Council are broadly consistent with the Framework. Thus, having regard to Framework paragraph 216, I attach this policy moderate weight.
6. The existing hedgerow makes a positive visual contribution to the area. In its place the proposed wall would extend along the full length of the host property's boundary with the lane. The length of the wall, together with its height, would result in a considerable expanse of solid wall. This would not reflect the characteristics of boundary treatments on the lane. It is important that householder developments maintain the character and appearance of the street scene as poor design can have a significant harmful effect on the locality. I note there is a wall in front of Beech House, but railings also form part its design which reduce its effect on the street scene. Furthermore, the appeal scheme is not directly comparable to the properties to the north-west which abut the footway.
7. Notwithstanding the absence of any heritage assets, the proposed wall would result in a harmful effect being created, due to its scale, design and appearance. The wall would adversely affect the street scene. Framework paragraph 65 states: local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. However, the proposal would not represent good design. Thus, it would not mitigate concerns about incompatibility with an existing townscape.
8. Criterion f of Policy GD7 seeks to apply Secured by Design principles to all new developments. I note the appellant's points about security and privacy. I agree that the scheme would offer some benefit in this regard. There is also no requirement for parties to have pre-application discussions, even though they are encouraged. However, there remains a need for development to relate well to its surroundings.
9. I have assessed the proposal on its own planning merits. This leads me to conclude that the proposal would significantly harm the character and appearance of the area. As such, it would not accord with saved Local Plan Policy HL5 and ELP Policy GD7; which jointly seek, among other things, other forms of development within the curtilage of a dwelling, in terms of its scale, design and external appearance to be in keeping with the existing building, the surrounding context so that they do not adversely affect the street scene.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR