
Appeal Decision

Site visit made on 27 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2020

Appeal Ref: APP/M2325/D/20/3253854

235, Inner Promenade, Lytham St Annes FY8 1BB

- 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 G Broughton McCabe against the decision of Fylde Borough Council.
 - The application Ref 20/0176, dated 3 March 2020, was refused by notice dated 22 April 2020.
 - The development proposed is "retrospective application for the erection of timber fencing on top of boundary wall facing public highways."
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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 Matter

3. The timber fence has been erected and the application was made retrospectively. I have dealt with the appeal in that basis.

Main Issue

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

Reasons

5. 235 Inner Promenade is a detached two storey property located at the corner of Inner Promenade and Miletas Place within a residential area opposite to Fairhaven Lake with the seafront beyond. The area is characterised by large detached and semi-detached dwellings, set back in their plots with generally open and landscaped areas fronting the highway. There is a mix of architectural styles and materials to the dwellings. Historically, low brick walls with taller gateposts and pillars were the predominant boundary treatment much of which, particularly along Miletas Place still exists. In some cases low walls are topped with fences of a limited height or ornamental railings or are backed by planting to provide a greater degree of enclosure but nevertheless the area has retained a generally open and verdant character.

6. The appeal proposal is for the erection of a vertical feather edge, stained timber fence approximately 0.9m high along both Inner Promenade and Miletas Place frontages, on top of the existing low brick wall giving an overall height of approximately 1.65m. According to the appellant's calculations, on the Inner Parade frontage the fence extends for approximately 4.7m from the corner with Miletas Place to the brick pillars denoting the pedestrian access to the property. Along the Miletas Place frontage the fence measures approximately 27.9m in length and runs from the corner to the vehicular access. There are existing fences along the site frontage to Inner Promenade, from the pedestrian gateway to the boundary with 237 Inner Promenade, and beyond the vehicular access to the boundary with 3 Miletus Place which were allowed on appeal in January 2018.¹
7. I note from the previous appeal decision (para 8) that the retention of the landscaping at the corner of Inner Promenade and Miletas Place was an important consideration in allowing the appeal as it reflected the substantial landscaping on the opposite corner. Whilst I do not have evidence of the amount or height of the landscaping removed for the erection of the fence, from the site visit it was noted that the landscaping had been removed from the corner, along the full length of Miletas Place to the vehicular access.
8. The resultant boundary treatment, due to its solid form, height on top of an existing wall and substantial length when considered alongside the existing fencing, appears as a harsh and starkly discordant feature that is not in keeping with the more open and/or softer boundary treatments in the area. Whilst I acknowledge the appellant's contention that the fence is backed by trees and shrubs there are no details of such planting before me. Only a limited amount of planting is now evident from the street such that it is insufficient to soften the appearance of the fencing, particularly along the Miletas Place frontage. Due to its corner location and proximity to tourist attractions opposite, the fencing is highly visible in the public realm and harms the spacious and open, verdant character of the area.
9. My attention has been drawn to examples of other corner properties in the vicinity which are enclosed by fencing. These developments appear to pre-date the current development plan policies and the introduction of the National Planning Policy Framework in 2012. Nevertheless, that at No 163, which is softened by planting behind, is lower in height than the appeal proposal and appears less stark. I do not know the full circumstances in which the fencing at No 201 was granted permission and moreover, this type of boundary treatment is not the predominant form of boundary treatment in the area. I am not therefore persuaded that it justifies the proposal before me.
10. For the above reasons, the development harms the character and appearance of the area and conflicts with Policy GD7 of the Fylde Local Plan to 2032 (2018) which amongst other things seeks to ensure that development relates well to the surrounding context, is sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the local area. It would also conflict with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area and sense of place.

Other Matters

¹ APP/M2325/D/18/3192787

11. The Council is satisfied that the proposal does not harm the living conditions of neighbouring occupiers or compromise highway and pedestrian safety. From all I have seen and read I have no reason to disagree. This however does not reduce the harm I have found to character and appearance.
12. I acknowledge that the proposal would reduce the problems with litter and vandalism and give privacy for the occupiers. These are benefits of the scheme to which I give limited weight in support of the proposal. However, given that the development would not respect the character and appearance of the area for the above reasons, it would not constitute the sustainable development which the government seeks to promote. Consequently, these benefits would not outweigh the harm I have identified.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

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 the appeal is dismissed.

Susan Ashworth

INSPECTOR