
Appeal Decision

Site visit made on 22 January 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2018

Appeal Ref: APP/M2325/D/18/3192787

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 Mr G Broughton McCabe against the decision of Fylde Borough Council.
 - The application Ref 17/0796, dated 15 September 2017, was refused by notice dated 3 November 2017.
 - The development proposed is erection of timber fence on top of boundary wall facing public highways.
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber fence on top of boundary wall facing public highways at 235 Inner Promenade, Lytham St Annes FY8 1BB in accordance with the terms of the application, Ref 17/0796, dated 15 September 2017, and the plans submitted with it.

Preliminary Matter

2. The timber fences have been erected and the application was made retrospectively.

Main Issue

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

Reasons

4. The appeal site is a detached two storey property located at the corner of Inner Promenade and Miletas Place within a residential area opposite to Fairhaven Lake and the seafront beyond. The front building lines of properties which face Inner Promenade, including No 235, are staggered due to the alignment of the road and each property has a significant set back that results in sizeable front garden areas. The set back of No 235 from Miletas Place is shallower as the alignment of its side elevation is broadly consistent with the front building lines of properties which are located closer to that road. The site is not located within a Conservation Area or the setting of a Listed Building.
5. The front boundary of the appeal property facing Inner Promenade consists of a low brick wall with tall brick gate posts which surround the pedestrian entrance, with a mix of trees and hedging behind the wall that largely screen the garden area. The boundary treatment continues around the corner and along Miletas Place up to tall gate posts which surround the vehicular access to

the property, after which the low wall continues adjacent to a timber shed up to the rear boundary. The appeal proposal is in-situ and consists of a section of fence above the low brick wall from the boundary with the tall landscaping along the frontage of No 237 and the nearest gatepost associated with the pedestrian entrance of No 235 onto Inner Promenade. Along the Miletas Place boundary, a separate section of fencing is positioned above the low brick wall between the gatepost to the vehicular access and a tall pillar which defines the shared boundary with 3 Miletas Place (No 3).

6. The immediate surroundings of the site along the northern side of Inner Promenade consist of predominantly two storey detached properties or bungalows with differing architectural styles, scale, materials and proportions. The variety of property styles and proportions is also reflected in the detached and semi-detached properties that face Miletas Place. The mixed character of individual properties extends to the boundary treatments that front Inner Promenade, which include brick walls of varying styles, heights and colours, together with examples of timber fencing and gates, railings and supplementary trees and hedging. The boundary treatments of Miletas Place are predominantly low walls with tall gateposts and pillars of varied styles with examples of substantial landscaping, railings and tall gates visible.
7. Having regard to the above, it is evident that low boundary walls and taller brick pillars are common boundary elements of both Inner Promenade and Miletas Place that positively contribute to the unity of the street scenes and were intended to provide a sense of space to property frontages. However, as supplementary landscaping has matured over time on a significant number of property frontages it has established an increased sense of enclosure of front gardens with tall boundary treatments in the respective street scenes, particularly on corner plots. Furthermore, other boundary features have been added such as tall timber fencing, gates and railings that have integrated with the verdant character of the setting.
8. In the context of the above, the boundary fences do not appear unduly prominent, intrusive or out of place. The section of fence facing Inner Promenade assimilates with the height of the adjoining gatepost and consists of a dark unobtrusive colour which is softened by the backdrop of supplementary landscaping, together with taller and denser adjoining landscaping along the frontage of No 237. The section of fence which adjoins Miletas Place, set against the backdrop of a timber shed, is a complementary addition to that boundary which assists the transition to the different character and appearance of the low boundary walls, railings, pillars and supplementary landscaping that are evident to No 3 and beyond. The low brick wall and gateposts are to be retained and sufficient landscaping remains around the corner to integrate with the verdant boundary treatment on the opposite corner. Consequently, I am satisfied that the timber fencing assimilates with, and does not detract from, the character and appearance of the site and the surrounding area.
9. In reaching the above findings, I also observed that in the wider setting of Inner Promenade it is a common feature that corner properties have taller boundary treatments than neighbouring properties to achieve privacy for garden areas, including a number with similar boundary fencing. In that respect and given the close proximity of Fairhaven Lake and the seafront beyond, the boundary screening provided by the fencing in-situ is an appropriate manner to safeguard the privacy and security of No 235 and also

provide some weather protection for the amenity space, which are matters that support my conclusion on the main issue. The more distant example of fencing drawn to my attention in terms of a recent appeal decision at 234 Clifton Drive South, Lytham St Annes¹ is not an influential factor on the outcome of this appeal as the locational context is distinct from the street scenes of Inner Promenade and Miletas Place.

10. I conclude that the development does not harm the character and appearance of the area. The development, therefore, does not conflict with Policy HL5 of the Fylde Borough Local Plan (as altered), October 2005. The policy relates specifically to house extensions rather than means of enclosure, and in any case, the proposal does not conflict with the relevant requirements for scale, design and external appearance in keeping with the existing building, and that it does not adversely affect the street scene. There is also no conflict with the approach of the National Planning Policy Framework relating to matters of design.
11. The Council's decision notice also makes reference to Emerging Policy GD7 of the Fylde Council Local Plan to 2032 - Submission version. However, the Emerging Local Plan has yet to be adopted and there is no evidence before me as to whether the policy is subject to any unresolved objections, which limits the weight I can give to it. In any case, based on my previous reasoning, I find no conflict with Emerging Policy GD7 in so far as it requires a high standard of design, with regard for the character and appearance of the area and local distinctiveness, including responding to its context in terms of siting, design, scale, materials and landscaping.

Other Matters

12. The Council have offered no concerns relating to highway and pedestrian safety or with respect to the living conditions of occupiers of surrounding properties. Based on the evidence before me and my observations I have no reason to take a different view on those matters. The fencing does not obstruct the existing footpath or visibility from the vehicular access of the appeal property and those surrounding, whilst the height and scale of the respective sections would not have an overbearing effect on the outlook from neighbouring properties.

Conditions

13. The Council have recommended that time limit and plans compliance conditions should be imposed if the appeal were to be allowed. However, as the development has already been carried out and I have identified no harm arising from it, I do not consider that the recommended conditions are necessary.

Conclusion

14. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted.

Gareth Wildgoose

INSPECTOR

¹ Appeal Ref: APP/M2325/D/16/3159254 – Allowed – 20 December 2016