



Appeal Decision

Site visit made on 7 December 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal Ref: APP/M2325/D/21/3280505

6 Hodgson Avenue, Freckleton, PR4 1SQ

- 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 M Powell against the decision of Fylde Borough Council.
 - The application Ref 21/0393, dated 26 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is described as "*retrospective 2nd application for changes to boundary fencing at 6 Hodgson Ave Freckleton*".
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Decision

1. The appeal is allowed and planning permission is granted for erection of fence and gate to side boundary to overall height of 1.85 metres with element above 1 metre to be 'hit and miss' style at 6 Hodgson Avenue, Freckleton, PR4 1SQ in accordance with the terms of the application, Ref 21/0393, dated 26 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2021-1573-03; 2021-1573-06b; 2021-1573-07b.
 - 3) The proposed gate and fencing shall be stained with a dark brown wood stain and shall thereafter be maintained as such.

Procedural Matters

2. The Council adopted the Partial Review of the Fylde Local Plan in December 2021, after its refusal of planning permission. This included a new version of Policy GD7, which superseded the previous version referred to in the Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.
3. The description of development given on the planning application form states that the application is retrospective in nature. However, the existing fence and gate fronting onto Hodgson Avenue have a closeboard appearance, whereas those shown in the submitted plans have a 'hit and miss' style above 1 metre in height. In these circumstances, I am required to determine the appeal based on the submitted drawings.

4. The description of development given in my formal decision is taken from the Decision Notice rather than the planning application form, as this provides a more accurate description of the development.

Main Issue

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

Reasons

6. The appeal property is a semi-detached bungalow occupying a corner plot at the junction between Hodgson Avenue and Sedgley Avenue. It sits within a modern estate that has a relatively consistent character, with most front boundaries comprising low brick walls and mature planting.
7. The proposed gate and fencing would run along the back edge of the footway and would enclose the side and rear garden next to Hodgson Avenue. Whilst the height and style would differ from the boundary treatments to adjoining properties there are similar timber fences to the side and rear of several nearby corner plots. In this regard, comparable boundary fencing to corner plots are visible along Sedgley Avenue, Ribble Avenue, and elsewhere in the vicinity. The proposed gate and fence would therefore not appear out of place and would be consistent with the character of the surrounding area. Moreover, they would have a relatively sympathetic appearance in the street if treated in a dark stain, which could be secured by condition.
8. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Strategic Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review), which seeks to ensure that layout, design, and materials relate well to the surrounding context. It would also be consistent with the National Planning Policy Framework, which seeks to achieve well designed places.

Other Matter

9. A section of the proposed fencing extends along the boundary with No 4 Hodgson Avenue, and would remain closeboard in its appearance. Whilst this fencing somewhat restricts visibility from the adjacent access to No 4, I note that this property benefits from 2 vehicular access points. Moreover, any vehicle leaving the property from this access would be travelling at low speeds and the driveway is not directly onto the highway. I further note that the Highway Authority has confirmed that it has no objection to the development on highway safety grounds.

Conditions

10. The standard time limit condition is necessary given that the proposed fencing and gate differ from that which currently exist. I have also imposed a condition that requires the development to accord with the approved plans, which is necessary in the interest of certainty. A further condition relating to the treatment of the proposed fencing and gate is necessary in order to preserve the character and appearance of the area.
11. Separately, the Council suggested a condition that would have required the existing fencing and gate to be modified within 3 months of the date of this

decision. However, it is unclear how the proposal would be installed, and this could also be achieved by replacing the existing fencing and gate. In any case, the Council would be able to enforce against any non-compliance with the approved plans, and so this condition is unnecessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR