



Appeal Decision

Site visit made on 5 June 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/T2350/D/24/3341790

2 Sunnyside Avenue, Wilpshire, Lancashire BB1 9LW

- 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 Rubina Saleh against the decision of Ribble Valley Borough Council.
 - The application Ref. 3/2023/0927 dated 6 November 2023, was refused by notice dated 8 January 2024.
 - The development is described as the regularisation of boundary fence to front and side.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence, the subject of the appeal, has already been constructed. Consequently, the application is retrospective and I have determined it on this basis.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a semi-detached property situated on an incline at the junction of Sunnyside Avenue and Whalley Road. In this location, Whalley Road, which is a busy main road, has a generally open aspect characterised in the main by low level boundary treatment and hedgerows which serve to soften the built form and positively contribute to the streetscene.
5. The fence as erected is a prominent feature and its location at the point where Sunnyside Avenue slopes down from Whalley Road means that it is highly visible in both directions when driving along Whalley Road. Its height closed boarded design and materials are a stark contrast with the existing boundary treatments found along this length of Whalley Road. As such it is an incongruous feature which fails to integrate with its surroundings and at odds with the prevailing character of the immediate streetscene. Further, it introduces a sense of enclosure and has a harmful visual impact on the immediate character and appearance of the area.

6. I appreciate that the fence could be stained/painted in a more appropriate colour but this would not mitigate the harm caused by the excessive height of the fence nor fully replicate the softer landscaping generally found in this area. I do not therefore consider that a condition could adequately mitigate the harm and make the proposal otherwise acceptable.
7. The appellant has referred me to a number of other similar fences within the area. Whilst I observed these fences on my site visit, I do not know the full circumstances surrounding any of these developments and which on the information before me appear to have constructed without the benefit of any permissions. Although these fences were of a similar height to the proposal before me, there is substantial soft landscaping in these locations which softens the visual effect of the fences. Further they are sited on a length of Whalley Road where the outlook is less open. Accordingly, direct parallels are not easily drawn. In any event the existence of these developments does not justify development which would otherwise be harmful. I have determined this appeal on its own particular merits and have concluded that it causes an unacceptable harm for the reasons stated.
8. I therefore conclude that the development results in unacceptable harm to the character and appearance of the area. As such the development is contrary to Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley which requires, amongst other matters, development to be sympathetic to existing and proposed land uses in terms of its size, nature, scale, features and building materials.

Other Matters

9. I appreciate the reasons why the appellant carried out the development and the wish for privacy, security and to create a secure area for her family. However, there is no information before me that the area suffers unduly from crime or the fear of crime. Nor is there any reason why these personal circumstances and preferences cannot be secured with a boundary treatment which would be less harmful than the current development. Consequently, they carry little weight in favour of the development.
10. I note the appellant's reference to the Council's handling of this issue, but this is not a matter before me nor does it alter my findings.

Conclusion

11. For the reasons given, I hereby dismiss the appeal.

K Winnard

INSPECTOR