

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 1/05/18

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 24 Mai 2018

Appeal Decision

Site visit made on 1/05/18

**by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date : 24 May 2018

Appeal Ref: APP/H6955/D/18/3199941

Site address: 101 Bangor Road, Johnstown, Wrexham, LL14 2SS

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Miss Kimberley Bayley against the decision of Wrexham County Borough Council.
- The application Ref RHO P/2018/0069, dated 22 January 2018, was refused by notice dated 7 March 2018.
- The development proposed is the "Erection of boundary fencing (in retrospect)".

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development differs on the planning application form to that stated on the Council's refusal notice. I consider the description as given on the latter and copied into the banner heading above is more concise and it is on this basis that I have determined the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal property is located within a residential estate on a corner plot that faces onto Bangor Road, Johnstown. The area is primarily characterised by its generally open plan appearance where residential properties are mainly set back and separated from the road by open space, landscaped areas or low timber fences. The fence encloses an area to the front, side and rear of the existing property; it appears that this area was formerly bordered by a hedge.
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5. Contrary to the appellant's assertions, I consider that those parts of the development that exceed permitted development tolerances, i.e. the bulk of boundary fencing in proximity to the highway, appear as a conspicuous, prominent and intrusive feature in a street scene that is relatively devoid of such development. The close boarded fencing standing in places at approximately 1.8 metres high and directly abutting the road is an intrusive feature that appears at odds with the character and appearance of properties in the surrounding area whose boundary treatments adjacent to the road are generally more open in aspect, and more visually subdued due to the use of landscaping or low level fencing. The generally open vista of the street scene is eroded by the enclosing nature of the development as erected, to the detriment of the visual amenities of the area; I do-not consider the painting of the fencing would make any material difference as regards reducing its prominence.
6. I appreciate the development has been erected in response to achieving greater security. I attach only limited weight to this consideration. In terms of security no documentary evidence has been produced to substantiate the magnitude of any problem. In any event I can see no reason why issues of security cannot be addressed by the use of electronic surveillance/alarm systems or other types of boundary treatment that don't require planning permission; therefore this argument does not outweigh my concerns outlined above.
7. I also appreciate the appellant's wish to secure the boundaries of the property to prevent her dog from accessing the adjacent road and harming either himself or anyone else, however, I see no reason why the dog cannot be supervised within the grounds of the property to ensure it doesn't stray onto the road, or it is kept in a safe place such as a kennel; such measures to my mind would secure the safety and well-being of the appellant's pet.
8. I accept the fencing would be likely to be no worse in highway safety terms than the situation which historically existed when the hedge was in place, nonetheless this would not justify development that would be detrimental to the visual amenities of the area. I appreciate the Council received no objections from neighbours in terms of the retention of the fence, however, that alone would not justify development that otherwise would be detrimental to the visual amenities of the area.
9. Drawing the threads of the above together, for the reasons given previously, the development subject to this appeal, would be detrimental to the character and appearance of the area, and therefore be contrary to policy GDP1 of the adopted Wrexham Unitary Development Plan which seeks to safeguard amenity.

Conclusion

10. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
11. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the WBFG Act. In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Declan Beggan

INSPECTOR