

Appeal Decision

Site visit made on 11 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 17th October 2016

Appeal Ref: APP/W4223/D/16/3156794

203 Chamber Road, Oldham, Lancashire OL8 4DJ

- 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 Anne Fowell against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/338528/16, dated 4 May 2016, was refused by notice dated 10 August 2016.
 - The development proposed is to erect boundary fences to front, side and rear boundaries; installation of driveway gates.
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Decision

1. The appeal is allowed and planning permission is granted to erect boundary fences to front, side and rear boundaries; installation of driveway gates at 203 Chamber Road, Oldham, Lancashire OL8 4DJ in accordance with the terms of the application, Ref HH/338528/16, dated 4 May 2016, 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: AF/0001, AF/0002 and AF/0003.

Procedural Matters

2. I have used the more succinct version of the description of this development provided on the appeal form in the interests of clarity.
3. At the time of my site visit a fence had been constructed on the eastern section of the north eastern boundary and on the south eastern boundary adjacent to the garage wall. This has involved the removal of existing brick pillars. It appeared to me that the height of this fence is greater than that indicated on the submitted plans. Therefore, for the avoidance of doubt, I confirm that my determination of the appeal is based on the plans submitted.

Main Issues

4. The main issues in this case are the effect of the fence and gates on:
 - (1) The character and appearance of the area; and,
 - (2) Highway safety in the vicinity of the appeal site.
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Reasons

Character and appearance

5. The appeal building is a red brick and slate detached property located on the corner of Chamber Road with Ainsdale Close. It is set in mature gardens, with a range of trees and shrubs visible in the street scene, and enclosed with a 0.5-1m high red brick wall topped with rounded copings. Chamber Road has a significant rising south west to north east gradient. As a result the front garden wall to Chamber Road is stepped and the ground level of both the property itself, and it's side boundary, is distinctly lower than that of Ainsdale Close.
6. This area is characterised by a range of boundary treatments, though most have relatively low level brick walls similar to the appeal property, many of which have additional higher level hedges or fences on top. More generally, this area benefits from the presence of mature trees and shrubs which form a pleasant backdrop to this busy urban road.
7. This proposal would retain the existing boundary wall to the north west and north eastern boundaries, though it would be removed from the short and less visible south eastern boundary. The boundary wall would be topped with feather edge boards erected behind the existing wall and reaching 1.9m in height. Additionally the currently open front entrance onto Chamber Road would be widened and enclosed, with the existing brick gate posts increased in height to 2.2m, and 1.9m wooden gates added.
8. I accept that the red brick boundary wall is a distinctive feature of this area which reflects the character of these properties. In this respect this proposal would largely retain this feature to the front most visible boundary onto Chamber Road, as the timber fence would be constructed behind the wall. The north eastern boundary wall is less visible in the street scene as it is sited at a lower level than Ainsdale Close, with the wide grass verge and street trees along this part of the Close diminishing its visibility further.
9. In assessing the impact of this proposal, I accept that the fencing would to some degree mask the view of both the property and its surrounding mature gardens. Nonetheless, much of the property itself would remain visible and the height of much of this vegetation means that it would be seen above the fence and serve to soften its appearance. Also the lower level of the Ainsdale Close boundary, along with both garden and street trees, would reduce the visibility of the fencing along this longer boundary. Overall therefore, my view is that the proposed fence and gates would not be unduly intrusive additions to this area.
10. I conclude on this matter that this proposal would not have a detrimental effect on the character and appearance of this area. In this respect it would not conflict with the Oldham Joint Core Strategy and Development Management Policies DPD 2011 (Joint Core Strategy), which at Policies 9 and 20 requires that development should not have a significant adverse impact on the visual amenity of the surrounding area, and that it should reflect local character and reinforce local identity.

Highway safety

11. As the proposed fence would wrap around the corner of Chamber Road with Ainsdale Close, the Council has expressed concern that its presence would prevent inter-visibility between vehicles emerging from the Close and pedestrians crossing this road. On my site visit I noticed that this is a busy area for both pedestrians and vehicles. Nonetheless, as the pavement around this corner is reasonably wide, my view is that this proposal would not in itself impact on the visibility of either pedestrians or vehicles in this area. Furthermore, the presence of mature trees and shrubs above the existing wall on this corner means that when this vegetation is in full leaf there would be little substantive difference between the current situation and the proposal in terms of inter-visibility.
12. I conclude on this matter that the proposed boundary treatment would not have a detrimental effect on highway safety in this area. It would therefore not conflict with the Joint Core Strategy which at Policy 9 requires that development should not harm the safety of road users.

Other matters

13. I note that this proposal is made in response to the safety and security concerns of the appellant, with reference to incidents of crime against this property. Whilst I acknowledge such concerns, I have assessed this proposal in terms of the issues raised by the Council and found it to be acceptable.
14. I accept that other similar boundary fences within this area have been constructed without the benefit of planning permission. Nevertheless, I have assessed the particular circumstances of this case on its own merits and found it to be acceptable.

Conclusion

15. I have found in this case that the proposal would not have a detrimental effect on either the character and appearance of the area, or highway safety, and it would therefore comply with the development plan.
16. For these reasons I conclude that the appeal should succeed and planning permission granted, subject to conditions that are necessary for the avoidance of doubt and in the interests of proper planning.

AJ Mageean

INSPECTOR