

Appeal Decision

Site visit made on 14 November 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 25th November 2016

Appeal Ref: APP/D5015/D/16/3160193

15 The Grove, Chatteris, Cambridgeshire, PE16 6NY

- 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 Angela Badcock against the decision of Fenland District Council.
 - The application Ref F/YR16/0478/F, dated 6 June 2016 by notice dated 3 August 2016.
 - The development proposed is to replace existing 1.8m high fence with gates of same height to enable touring caravan to be placed in garden.
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Decision

1. The appeal is allowed and planning permission is granted to replace existing 1.8m high fence with gates of same height to enable touring caravan to be placed in garden at 15 The Grove, Chatteris, Cambridgeshire, PE16 6NY in accordance with the terms of the application, Ref F/YR16/0478/F, dated 6 June 2016.

Main Issues

2. The main issues in this case are:
 - The effect of the gates on the character and appearance of the surrounding area; and
 - The effect of the gates on highway and pedestrian safety, with particular reference to visibility.

Reasons

Character and appearance

3. The appeal property is a semi-detached bungalow on a residential cul-de-sac. Its side garden area is enclosed by 1.8 metre high fence which extends forward of the front of the house to the back edge of the pavement. The wooden gates are 1.8 metres high with a combined width of 3.1 metres and have replaced a section of fence to allow the parking of a touring caravan.
 4. At my visit I saw a number of examples of high wooden fencing on the front boundaries of properties in the cul-de-sac. The Council accepts that these are characteristic of the area and raises no objections to fencing at the appeal property. However, in practical terms I am not persuaded that the gates appear significantly different from a fence in this location.
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5. The gates are of the same timber and finish as the fencing they are attached to and are of a commensurate height and profile. Although they are set slightly in from the fencing facing the road, they are not readily discernable from it. As such, I am not convinced that they appear incongruous or stand out in the street scene. Thus, I am satisfied that the gates have not changed the distinctiveness of the area or resulted in any harm to its local character.
6. I therefore conclude on this issue that the gates cause no harm to the character and appearance of the surrounding area. I see no conflict with Policy LP16 (d) of the Fenland Local Plan (Local Plan) which requires new development to protect, conserve or enhance the local distinctiveness and character of the area, reinforce identity and not adversely impact, either in design or scale terms, on the settlement pattern. Nor is the scheme at odds with the core planning principle of the National Planning Policy Framework to seek to secure high quality design.

Highway and pedestrian safety

7. The gates have been erected on the appeal property's front boundary line abutting the footpath and open into the garden. A Certificate of Lawfulness has been previously refused for the gates along with the formation of a dropped curb. The Council advises that this was refused due to the gates being more than 1 metre in height adjacent to the highway and likely to cause danger and obstruction to the view of persons using the highway. .
8. Given their height, I accept that the gates would block views in both directions for drivers emerging from the appeal property (who would need to drive onto the footpath before they could see the road). They would also prevent vehicles emerging from the appeal site being seen by pedestrians and other road users.
9. That said, the gates provide access to parking for the appellant's caravan which is visible above the gates. The appellant confirms that there is a person in the road when the gates are in use and the caravan does not emerge at great speed. Whilst the use of the gates by other vehicles could not be ruled out, the appeal property has a garage and car parking to its frontage which in my view would be more convenient for day to day parking. In any event, given the modest size of the appeal property, the number of vehicles using the gates would not be great. Moreover, The Grove is a quiet residential cul-de-sac with little pedestrian activity or vehicle traffic. Taking all these factors into account, I am satisfied that the appeal scheme is unlikely to lead to any undue increase in the potential for conflict between vehicles, or between vehicles and pedestrians in The Grove.
10. Additionally, the Council is concerned that the use of the gates by vehicles would obstruct the footway and hold up members of the public. However, such manoeuvres would be unlikely to be numerous or regular and would not take a long time. This being so, and in the context of the appeal property's quiet cul-de-sac location outlined above, any such inconvenience would be short lived and infrequent and to my mind would cause no undue harm.
11. I therefore conclude on this issue that the gates cause no harm to highway or pedestrian safety, with particular reference to visibility. As such, they align with Local Plan Policy LP2 which requires development proposals to positively contribute to creating a safe environment and not to cause adverse impacts. They also support Local Plan Policy LP15 (c) which states that development

proposals should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists and people with impaired mobility.

Conclusion and Conditions

12. For the reasons set out above, I conclude that the appeal should be allowed.
13. The Council suggests conditions relating to the commencement of development and the use of matching materials, and another to ensure that development takes place in accordance with the submitted plans. However, since the gates have already been constructed, there is no need for these.

Elaine Worthington

INSPECTOR