

Appeal Decision

Site visit made on 10 January 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27th January 2017

Appeal Ref: APP/N2739/D/16/3164292

60 Southlands Close, South Milford, Yorkshire, LS25 5NU

- 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 C Maude against the decision of Selby District Council.
 - The application Ref 2016/1186/HPA(8/57/560/PA), dated 30 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is relocation of rear garden fence to edge of boundary and extend it alongside the house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Whilst I have taken account of the longer description of the proposed works set out on the planning application form, I have summarised it above using the following extract: *'relocation of rear garden fence to edge of boundary and extend it alongside the house'*.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: highway safety; and, the character and appearance of the locality.

Reasons

Highway safety

4. No. 60 occupies a corner site at the junction of Southlands Close with Swan Road. The driveway of the property runs from Swan Road, alongside the rear boundary of the back garden of No. 60, to its garage. That garden boundary is enclosed by fencing which runs from its garage along the western side of the driveway before turning in a northwesterly direction shortly before the end of the driveway in order to facilitate the provision of a driver visibility splay. This allows a person who is preparing to drive off the driveway to look westwards along the adjacent footway before starting to cross it, in order to check whether any pedestrians are approaching. Planting in the visibility splay is low and does not affect the sightline.
 5. The proposal would include the extension of the garden fence all the way along the western side of the driveway to its junction with the footway, thereby blocking the visibility splay. This would significantly increase the risk of drivers
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who are emerging from the driveway being unable to see pedestrians approaching along the footway, from the west, until it is too late to avoid a collision.

6. I acknowledge that the proposed works would not have a material effect on the western sightline available to drivers emerging from the driveway situated immediately to the east of the driveway of No. 60. In that case, the driveway of No. 60 provides the visibility splay needed by drivers emerging from the neighbouring driveway.
7. Nonetheless, I conclude overall, that the proposal would be likely to cause unacceptable harm to highway safety, contrary to the aims of Policies ENV1 and T1 of the *Selby District Local Plan, 2005* (LP) as well as the *National Planning Policy Framework* (the Framework) to secure good quality development and safe access.

Character and appearance

8. The fencing along the northern side boundary of the back garden of No. 60 is separated from the back edge of the adjacent Swan Road footway by a narrow planted border. The northern side elevation of the dwelling is set back from that footway beyond an open grassed area. That landscaping softens the appearance of the adjacent built development and thereby makes a positive contribution to the character and appearance of the locality. When I visited, those areas of planting had the appearance of being well kept. I give little weight to the view of the appellant that they can become unsightly and the bushes can grow over the footway, as to do otherwise could give encouragement to landowners seeking a beneficial permission not to manage their land in a diligent manner.
9. The proposal includes the replacement of the northern side boundary fence of the back garden of No. 60 with a fence that runs along the back edge of the footway. It would extend from the driveway to the front of the house, thereby enclosing the narrow border as well as the grassed area alongside the northern gable of the house. The resulting extensive length of fencing, situated alongside the back edge of the footway and without planting to soften its appearance, would have a stark and obtrusive appearance.
10. I conclude that the proposal would have a significant detrimental effect on the character and appearance of the locality, contrary to the aims of LP Policy ENV1, Policy SP19 of the *Selby District Core Strategy, 2013* (CS) and the Framework, which, between them, seek to secure good quality development, promote local distinctiveness and encourage the integration of landscaping into schemes.

Other matters

11. I understand that the Council has granted planning permission for the relocation of a rear garden boundary fence to the back edge of a footway at No. 5 Swan Road. However, the circumstances are not directly comparable to those in the case before me. There is no driveway alongside the rear boundary of that back garden and, in my judgement, the approved works are unlikely to have reduced intervisibility between drivers and pedestrians to any significant degree. In any event, whilst consistency is desirable, each case must be

considered primarily on its own merits and, in my judgement, the relocation of the fence line at No. 5 does not justify harmful development of the appeal site.

12. The appellant has indicated that benefits associated with the proposal would include that it would: prevent animals from fouling on the open areas between his fence/house and the highway; and, it would increase the size of his private garden area. Furthermore, there were no objections to the proposal from local residents or South Milford Parish Council. Nonetheless, in my judgement, neither these, nor any other matters raised, are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conclusion

13. I conclude on balance, that the proposal would not amount to sustainable development under the terms of the Framework or CS Policy SP1. It would conflict with the Development Plan taken as a whole and there are no other considerations sufficient to indicate that planning permission should nevertheless be granted. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR