
Appeal Decision

Site visit made on 20 February 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/T4210/D/16/3165634

The Gatehouse, Bridgefield Drive, Bury, BL9 7PE

- 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 Natalie Thurstans Ferreira against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60445, dated 6 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is the erection of a boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's formal decision notice, as this more accurately describes the proposal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

4. Throughout Bridgefield Drive the majority of properties have low boundary walls, hedges and/or railings. This contributes to the relatively open, suburban character of the street. Where higher boundary fences and walls exist they are predominantly at the side, rather than along the front of properties.
 5. In contrast the appeal proposal would introduce a solid fence measuring roughly 1.8m high along the back edge of the pavement. With the exception of a gap directly in front of the property, the new fence and gates would run the full length of the plot adjacent to Bridgefield Drive. In this location I consider that the height, position and solid design of the fence would result in an unduly prominent and incongruous feature in the streetscene. When viewed in the context of its suburban surroundings such a large boundary feature would be harmfully out of place.
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6. In reaching this view I have taken into account that the fence would provide the appellant with more privacy in her garden, and would help resolve issues of anti-social behaviour associated with the adjacent footpath. It would also provide added security and an enclosed space for the appellant's dog to use. In addition, it is appreciated that applying for planning permission can be an expensive process. However, whilst I empathise with the issues that have been raised, these factors do not justify allowing such a large fence that would be out of place on this part of Bridgefield Drive. Based on the information provided the visual impact of the fence would not be mitigated by amending the design of the gates.
7. I therefore conclude that by reason of its size, position and design the proposal would have an unacceptable adverse effect on the character and appearance of the surrounding area. As a result, it conflicts with *Bury Unitary Development Plan* (UDP) Policy EN1/2 which states that the Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the townscape of the Borough's settlements. For the same reasons it also conflicts with UDP Policy H2/3 which states that applications for house extensions and alterations will be considered having regard to, amongst other things, the character of a property and the surrounding area. Finally, by failing to respect the character of the streetscene the proposal is also contrary to the Council's guidance on boundary enclosures in *Supplementary Planning Document (SPD) 6: Alterations and Extensions to Residential Properties*.

Highway Safety

8. The submitted plans illustrate that the proposed gates would open outwards and towards the highway. Although this would obstruct the pavement, and gates opening inwards would restrict parking space on the drive, the appellant advises that an internal sliding mechanism could be used instead. This would address some of the Highways Officer's concerns.
9. However, the height, solid design and position of the fence along the back edge of the pavement would restrict the visibility of oncoming traffic and pedestrians in both directions from the junction of the driveway with Bridgefield Drive. Although forward visibility is already partially restricted by existing planting, it would be exacerbated by the appeal proposal. The fence would increase the risk of collisions occurring between vehicles leaving the driveway and occupiers and/or visitors to the neighbouring block of flats.
10. In response the appellant states that there are other fences and walls similar to the appeal proposal nearby, and that overgrown trees and hedges already restrict the use of the pavement for pedestrians on Bridgefield Drive. However, I am required to consider the proposal on its specific merits. Whether or not other fences restrict visibility elsewhere, or overgrown planting limits use of the pavement further along the street, this does not justify allowing an arrangement that would be unsafe.
11. I therefore conclude that by reason of its size, solid design and proximity to the back edge of the pavement the proposal would restrict the visibility of oncoming traffic and pedestrians to the detriment of highway safety. As a result, it conflicts with UDP Policy HT6/1 which states that the Council will seek to ensure that pedestrians and cyclists are able to move safely and conveniently by, amongst other things, eliminating points of conflict with motor vehicles. For the same reasons it also conflicts with UDP Policy H2/3 which,

amongst other things, requires house extensions and alterations to take into account visibility for pedestrians, cyclists and drivers of motor vehicles.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR