The Planning Inspectorate

Appeal Decision

Site visit made on 4 April 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/W4223/D/17/3167519
1 Elderwood, Chadderton OL9 9TP

- 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 Shuhed Ahmad against the decision of Oldham Metropolitan Borough Council.
- The application Ref HH/339343/16, dated 3 November 2016, was refused by notice dated 16 January 2017.
- The development proposed is erection of fence to perimeter of property.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that a concrete structure approximately 2 metres in height has already been constructed at the appeal site. Although the description of development above was taken from the planning application form, in my view a fence is typically constructed in timber or wire. I note that the Council has referred to the structure as a concrete fence and given what has been constructed on site, I have considered the appeal on this basis.

3. The original application sought permission for an approximately 2 metre high concrete fence which is what is presently constructed on site. During the course of the application an amended plan was submitted showing the height of the concrete fence reduced to approximately 1.85m and it was on this basis that the council considered the application. Although in his statement appellant has referred to the height of the concrete fence as needing to be no lower than 2 metres, I have determined the appeal on the basis of the amended plan which was considered by the Council. In any event, it can be seen from what follows that the outcome of the appeal would be the same regardless.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

5. The appeal relates to the side and rear boundaries of 1 Elderwood Close, a detached brick built property on a prominent corner plot. The surrounding

area is a quiet residential estate comprising houses of a similar character. A concrete fence has been erected along the side and rear boundary of the property, immediately abutting the highway. The structure consists of concrete posts, patterned concrete panels and a decorative arched top. The amended plans submitted during the course of the application show the concrete fence reduced by approximately 0.15 metres.

6. By virtue of its scale, ornate design and generally contrasting appearance to the surrounding properties and its wider context, the concrete fence is an incongruous and visually intrusive feature in the street scene. It's overly prominent appearance is exacerbated by its length and siting at the back of the pavement. The small reduction in height or the painting of the concrete fence to match the house would not alleviate the obtrusiveness of the development.

7. The appellant has drawn my attention to other existing fencing/walls elsewhere on the estate. However, having regard to the other examples none appear to be constructed entirely of concrete and none are of a comparable design to the scheme before me. Moreover, I am not aware of the particular circumstances of these other cases and in any event, each scheme must be considered and determined on its own merits.

8. I therefore conclude that the appeal scheme has an unacceptable impact on the character and appearance of the surrounding area and find conflict with Policies 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011) (DPD) which seek, amongst other things, high quality design that does not have a significant adverse impact on the visual amenity of the surrounding area.

Highway Safety

9. The appeal lies within a quiet residential street which appeared to have relatively low vehicular activity due to its only purpose being to serve as access to the properties within the estate. At my site visit I observed sufficiently clear space beyond the edge of the concrete fence and the carriageway to allow mutual sightlines between oncoming traffic and a car exiting from the driveway of 26 Birchwood over the footway before it encroaches onto the carriageway.

10. I do acknowledge that the corner of the concrete fence does partially obscure driver visibility of the pavement, particularly if a car was reversing from the part of the driveway of No 26 closest to the structure. However, I note from the evidence before me that the previous fence and hedge line along this boundary would have also partially obscured visibility, albeit their positioning was set slightly back off the pavement. In my view, cars manoeuvring off the driveway would have an awareness of the small reduction in visibility and would exercise the appropriate caution. Given the quiet residential area which is lightly trafficked with generally slow moving traffic and the limited trips associated with one dwelling, the potential for pedestrian or vehicular conflict would not be severe.

11. I therefore conclude that the appeal scheme does not have a severe adverse impact on highway safety and find no conflict with Policy 9 of the DPD which seeks to ensure, amongst other things, that development does not harm the safety of road users.

Other Matters

12. I have borne in mind the understandable desire of the appellant for privacy and to prevent balls from going into highway when his children are playing. However, there would be other options available to the appellant which would achieve these aims. I note that the appellant is willing to plant hedges at the front and side of the driveway but this would not offset the harm I have identified above.

Conclusion

13. Although I have found no material harm in relation to highway safety this is not sufficient to outweigh the harm that I have found to the character and appearance of the area.

14. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR