
Appeal Decision

Site visit made on 10 May 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 23 May 2017

Appeal Ref: APP/G4240/D/17/3172185

10 Early Bank, Stalybridge, SK15 2RU

- 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 Chris Metcalfe against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 16/01118/FUL, dated 4 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is construction of a brickwork boundary wall with timber panel inserts.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development for which planning permission is sought in this case is complete and the planning application has been made retrospectively.

Main Issues

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

Reasons

Character and appearance

4. Early Bank, which is a cul-de-sac, is served by a roughly H-shaped road. No. 10 is situated at the eastern end of the western central area, with highway wrapping around the northern, eastern and southern boundaries of the site. No. 1 occupies a similar position, opposite the appeal site at the western end of the eastern central area and is bounded to the north, west and south by highway.
 5. For the most part, the street scene in the vicinity of No. 10 is characterised by dwellings set back from the highway either beyond open landscaped gardens or boundaries enclosed by hedgerows. This landscaping softens the visual impact of the built development, making a significant positive contribution to the character and appearance of the street scene.
 6. No. 10 is set back from the highway beyond a garden area that wraps around the northern, eastern and southern sides of the dwelling. I understand that prior to the implementation of the appeal scheme this garden area was not
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enclosed along its roadside boundaries. The appeal scheme includes a wall with timber infill panels and an overall height of around 1.9 metres, which has been erected to enclose the roadside boundaries of the southern and southeastern sections of garden, and is set back from the edge of the highway by up to around 0.6 metres. In the context of the wider street scene, the resulting extensive length of tall, wall/fencing has a stark and obtrusive appearance, which detracts significantly from the character and appearance of the street scene.

7. I conclude that the appeal scheme has caused significant harm to the character and appearance of the area and in this respect it conflicts with Policies C1 and H10 of the *Tameside Unitary Development Plan, 2004* (UDP), which insofar as they seek to promote local distinctiveness and high quality design are consistent with the aims of the *National Planning Policy Framework* (the Framework).

Highway safety

8. In comparison with the situation prior to the erection of the appeal wall/fence, when the southeastern section of the garden was open along its highway boundaries, the appeal scheme greatly reduces the intervisibility between drivers approaching that corner from the west and from the north. I consider that the potential for collisions as a result is likely to be substantially greater. In this respect the scheme has a significant detrimental effect on highway safety.
9. The risk associated with the existing tall hedgerow that encloses the southwestern corner of the garden of No. 1 is likely to be much lower, as the section of the cul-de-sac to the east serves far fewer properties than the section to the west of the appeal site. Therefore, traffic flows and the likelihood of conflicting vehicle movements are likely to be significantly lower. The existence of that neighbouring hedgerow does not justify harmful development of the appeal site.
10. At the southwestern corner of the site of No. 10, the appeal wall/fence is set back from the edge of the highway footway by a short distance. Furthermore, the entrance to the driveway of the neighbouring property, No. 12, is also set back to the west of the appeal site by a short distance. As a result of these factors, I consider that the intervisibility between drivers emerging from the driveway of No. 12 and pedestrians approaching along the adjacent footway from the east would be likely to be sufficient to allow those parties to avoid coming into conflict with one another.
11. Nevertheless, I conclude overall, that the appeal scheme causes significant harm to highway safety, contrary to the aims of UDP Policy T1, which is consistent with the aims of the Framework insofar as it seeks to promote highway safety.
12. As RED12 of the *Tameside Residential Design Supplementary Planning Document, 2010*, referred to by the Council, appears to be concerned with parking facilities, I consider that it is of little relevance in this case.

Other matters

13. I acknowledge that, prior to the appeal scheme, the private amenity space available to residents of No. 10 was limited, being restricted to a small rear

courtyard. However, notwithstanding the extensive length of the appeal scheme, it has not resulted in any significant increase in private amenity space, as the southwestern section of garden and much of the southern section can be overlooked from northerly public vantage points across the remaining area of open garden. Therefore, I give little weight to any benefits of the scheme as regards additional private amenity space.

Conclusions

14. I conclude on balance that any benefits of the scheme are significantly and demonstrably outweighed by the harm that I have identified. The appeal scheme does not amount to sustainable development under the terms of the Framework and it conflicts with the Development Plan. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR