



Appeal Decision

Site visit made on 13 January 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/X4725/D/19/3239686

1 Laburnum Grove, Horbury, West Yorkshire WF4 6HG

- 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 Quinn against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/01461/FUL, dated 20 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is to raise boundary wall and fence. To put shed on side garden.
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Decision

1. The appeal is allowed and planning permission is granted to raise boundary wall and fence, to put shed on side garden at 1 Laburnum Grove, Horbury, West Yorkshire WF4 6HG in accordance with the terms of the application, Ref 19/01461/FUL, dated 20 June 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 0917-01, 0919-2, 0919-4, 0919-5, 0919-6, 0919-7, 0919-8 and 0919-12.

Procedural Matters

2. The description of the development provided on the planning application form has been replaced by amended versions on the decision notice and appeal form. I consider that the description on the appeal form is accurate and I have therefore used it within this decision. At my site visit I saw that the development had commenced and appeared to be largely complete. I have proceeded to determine this appeal on that basis.

Main Issues

3. The main issues in this appeal are the effect of the:
 - Shed on the character and appearance of the area; and
 - Wall and fence on highway safety.

Reasons

Character and Appearance

4. The appellant is seeking retrospective planning permission for a building described variously as a shed, outbuilding or summerhouse located to the side

of a large detached dwelling. The appeal site is a corner plot located adjacent to a junction, and due to this layout the shed is located in a prominent position adjacent to the highway of Jenkin Road.

5. There are a mix of building types in the vicinity of the site and I saw that the building line along this side of Jenkin Road was not well defined. However, the shed is of some size and is located in a prominent location visible above the fencing around the property. Due to this design and arrangement it appears as an incongruous feature within the streetscape.
6. However, the appellant has emphasised a 'fallback position' of a shed which could be constructed under the property's permitted development rights, and which would only be slightly shorter than the appeal proposal. A shed constructed under these rights would have a substantially similar impact as the appeal proposal, and due to the limited amount of work needed to adapt the shed I consider that this fallback is a viable alternative.
7. Therefore, having regard to the fallback position of the property's permitted development rights, I conclude that the proposal will not lead to undue harm to the character and appearance of the area. The proposal will therefore not conflict with the design aims of Policies CS10, D9 and D10 of the Council's Core Strategy 2009 (CS), the National Planning Policy Framework (the Framework) and the advice of the Residential Design Guide Supplementary Planning Document 2018.

Highway Safety

8. The boundary wall and fence extend around one of the corners of the junction between Laburnum Grove and Jenkin Road. Compared to the low wall previously around the site boundary, the proposal will reduce visibility at this junction. The Council has referred to the need for a 25m minimum requirement for forward visibility on this residential road.
9. The appellant has undertaken a speed survey of traffic in the vicinity of this junction which identified a low traffic speed. In turn, this may be used to justify a reduced visibility distance in accordance with the Manual for Streets. I saw that traffic speeds were reduced along Jenkin Road towards the junction due to the limited width of the highway in the vicinity of the appeal site. Traffic speeds along Laburnum Grove were also reduced due to the approach to the junction and the slope of the highway. Based on what I have seen and read, I consider that the reduced visibility envelope identified by the appellant at the junction is appropriate.
10. The appellant refers to the visibility envelope complying with the advice of the Council's Street Design Guide¹ (SDG). However, it is not specified which element of this advice it complies with, particularly in relation to the consideration of the type of route. That said, this does not lead me to a different conclusion in respect of highway safety in the vicinity of the junction and the advice of Manual for Streets.
11. Compared to the previous low wall, the proposed wall and fence will also reduce visibility for vehicles emerging from the appellant's driveway onto the back edge of the footpath. However, drivers emerging from the driveway will be likely to emerge more cautiously. Mindful of this, and the limited number of

¹ Street Design Guide Supplementary Planning Document 2012

vehicle and pedestrian movements I observed, I consider that the effect of the proposal on visibility at the driveway is acceptable.

12. I therefore conclude that the proposal will not have an unacceptable impact on highway safety and would not conflict with Policy D14 of the CS or the Framework with regards to access and highway safety. Whilst it has not been demonstrated that the proposal would comply with the advice of the SDG, this does not outweigh my conclusion on this main issue.

Conclusion

13. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed subject to a condition specifying the relevant plans in the interests of certainty.

David Cross

INSPECTOR