



Appeal Decision

Site visit made on 9 March 2020 by S Witherley

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/X4725/D/20/3245702

2 Hastings Court, Altofts, Normanton, West Yorkshire WF6 2SH

- 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 Wayne Bridges against the decision of Wakefield Council.
 - The application, Ref 19/01240/FUL, dated 23 May 2019, was refused by notice 24 December 2019.
 - The development proposed as described on the application form is: fence around property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The fence has already been installed as per the drawings submitted.

Main Issues

4. The effect of the proposal on 1) the character and appearance of the area and 2) highway and pedestrian safety.

Reasons for the Recommendation

5. The appeal property is located on a modern housing estate on the corner of Agincourt Drive and Hastings Court. It is a two-storey property in a block with neighbouring properties joined at either side and rear. This results in the property having a dual aspect with wrap around amenity area to its front and side which is modest in size. The majority of properties in the area are set back behind open or low-lying boundary treatments which contribute to a spacious and open feel to the area. There are exceptions to this where properties have enclosed part of the side and rear garden with high fencing thus enclosing part of the garden.

Character and appearance

6. The close boarded timber fence encloses the entire property which, as a result of its design and height, creates a sense of enclosure which detracts from the deliberately contrived open plan frontages of the wider estate. Its prominent
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location on the corner draws the eye to it and appears visually obtrusive detracting from the open and spacious character and appearance of the area. Consequently, it does not accord with the Residential Design Guide, Part 2 guidance for householders, Supplementary Planning Document (2018), which advises that boundary treatments be guided by the predominant boundary type of the locality.

7. I have been drawn to a similar fence at the junction of Bosworth Avenue and had regard to the submitted photographs. I noted this fence during my site visit which appeared as a timber fence atop a small brick wall, similar in height and means of enclosure as the fence subject to this appeal. I do not have the specific details of this fence before me and so cannot be certain of the circumstances that led to it being erected. I noted, however, that the fence is of a different design and the property itself is sited differently within the street than the appeal property and therefore has a different relationship to the surrounding roads than the appeal before me. Notwithstanding these differences, I observed that the fence at the junction of Bosworth Avenue has a harmful effect on the openness and spaciousness of the area due to its height, siting and materials, and is not the type of development that should be used to justify allowing the appeal proposal.
8. I also observed other neighbouring properties with boundary treatments of similar heights and materials, however, these were typically located along the shared boundary or traversing the side and rear boundaries of properties adjacent to a highway which did not result in the erosion of the open frontage and spacious character of the area. There were examples of boundary treatments which comprised of mature trees. Whilst landscaping does not require planning permission, this type of boundary treatment generally has a softer appearance than the fence that has been erected around the appeal property.
9. The appellant notes that neighbours did not object to the fence, however, the lack of objections from neighbours are not considerations that outweigh the harm caused by the development.
10. For the above reasons, the proposal results in unacceptable harm to the character and appearance of the area and therefore does not accord with Policy CS10 of the Local Development Framework Core Strategy (2009), Policies D9 and D10(d) of the Development Policies Local Development Framework (LDF) which collectively seek development to be of a good quality and design which respects the local character. In addition, it also conflicts with the National Planning Policy Framework (the Framework) which encourages good design and seeks to promote development sympathetic to local character.

Highway Safety

11. As a result of its height and close boarded design the fence reduces the forward visibility of drivers approaching from Hastings Court around the corner of the appeal site into Agincourt Drive. This impacts on the visibility of both pedestrian and vehicle traffic. The appellant suggests that there were conifers on the boundary previously and these had a similar impact on the highway, however, those have now been removed and I am considering the appeal scheme on its own individual merits and it is clear that the existing fence does limit forward visibility. Accordingly, it does not comply with Policy D14 of the LDF which seeks the safe and free movement of traffic. Additionally, it conflicts

with the Framework which seeks developments to be free from any unacceptable impact on highway safety.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree on that basis the appeal should be dismissed.

K Taylor

INSPECTOR