



Appeal Decision

Site visit made on 9 March 2020 by A J Sutton BA Hons DipTP DMS MRTPI

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2020

Appeal Ref: APP/Z2830/D/19/3242741

7 Towcester Road, Whittlebury, Towcester, Northants NN12 8XU

- 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 and Mrs J Mitchell against the decision of South Northants District Council.
 - The application Ref S/2019/1824/FUL, dated 10 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is described as 'Proposed erection of timber fence to front boundary and timber sliding gate (part retrospective).'
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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 Matters

3. Planning permission was sought and refused separately for the development at the appeal and neighbouring properties (No 9). Separate appeals were subsequently submitted, and I have therefore determined this case on its individual merits.
4. The timber fence has been constructed. However, the proposed gate was not in place when the site visit was carried out.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on highway safety, especially for pedestrians.

Reasons for Recommendation

Character and Appearance

6. The appeal property is one of two relatively modern large detached dwellings with a shared access, set back from and fronting the main road, near the entrance to the village.

7. Scalloped shaped wood panelling has been erected on the existing low brick boundary wall, to the front and side of the property matching that in situ at the neighbouring dwelling (No 9). The fence has been stained to blend with the colour of the window frames and roof of the appeal property and is softened to the front by soft landscaping and to the side by vegetation in the neighbouring garden (No 5). The development therefore harmonises well with the appearance of the appeal property which is set in a prominent position. As such it does not materially alter the character and appearance of the immediate surrounding area.
8. There is no uniformed style, height or positioning of boundaries in this part of the village which is affected by this aspect of the development. Furthermore, materials used to form boundaries vary considerably in the area. Indeed, boundary treatments appear as individual as the range of properties in this area. Whilst the height of the boundary fence may be higher than others in the area, the proportions balance with the scale of the dwelling, which respects the appearance of the appeal property and its neighbour (No 9).
9. The proposed gate would repeat the scalloped detail but would appear more solid in form than the fence panels, and it is unclear from the submitted plans as to whether the gate would match the colour of the fence. I note also that a gate would be at odds with the open driveway accesses at properties in the immediate area. Therefore, the addition of a solid form gate, which would not wholly blend with other parts of the boundary, would be a poor addition to this highly visible part of the village.
10. Whilst the fence does not result in harm to the character of the area the proposed gate would not be compatible with the appearance, character and design of existing fencing in the area and would therefore be contrary to Policy EV1 (I,III and IV) of the South Northamptonshire Local Plan 1997 (Local Plan 1997) which expects new development to pay particular attention to the existing site characteristics and scale, layout, height and materials of the development in relation to the site and its surroundings.
11. Given the advanced stage of the emerging draft South Northamptonshire Part 2 Local Plan (Part 2 Local Plan), although not decisive, I have given appropriate regard to Policies SPD1 (B and D) and SS2(C) and conclude the development is and would be contrary to the policies which require development to present high quality design that complements the distinct local character of the area, using a design-led approach to demonstrate compatibility and integration with its surroundings in terms of type, siting, design and materials.
12. The decision notice and officer's report references Policy EV1 (II), however the Policy EV1 submitted states EV1 (I) and any references to EV1 (II) are omitted. I consider the former to be relevant to this case and therefore it has informed this recommendation.

Highway Safety

13. The footpath at the boundary of the appeal site forms a pedestrian route to the nearby bus stop and public rights of way at the edge of the village. The fence as positioned, with narrow gaps between timbers, does not allow pedestrians using the adjacent footpath to clearly see cars leaving the property's frontage. Furthermore, motorists exiting the driveway are unable initially to see pedestrians using the path close to the appeal site.

14. As such the development creates a safety risk to pedestrians using the path when approaching and crossing the appeal property's access, particularly for those with young families or that have mobility issues. The increased safety risk to pedestrians resulting from the development is not sufficiently mitigated by the narrow verge which immediately abuts the boundary of the appeal site or by vehicles leaving the appeal property at slow speeds.
15. It is concluded that the development does pose a risk to highway safety for pedestrians and is therefore contrary to Policy G3(B) Local Plan 1997 which allows the granting of planning permission for development which possess a satisfactory means of access.
16. Although not decisive the development is also contrary to Policy SS2 (J) of the emerging Part 2 Local Plan which allows development where it possesses a safe and satisfactory means of access for pedestrians, cyclists and vehicles.
17. A copy of the NCC Standing Advice regarding pedestrian visibility splays has not been submitted and therefore has not informed this case.

Other Matters

18. Alternative boundary options are available to the appellants, I see no indication that such options identified are likely to come to fruition and therefore such a fall-back position has had limited effect on this recommendation given the adverse effects of the development identified above.
19. The development is considered necessary for added security and for the safety of the appellants children. There is no evidence before me that the fear of crime is of particular issue in this area. Regardless, there are measures open to the appellants which would ensure the safety of the children as well as improving security which would not compromise the safety of pedestrians or be harmful to the character of the area.

Conclusion and Recommendation

20. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and concur that the appeal should be dismissed.

K Taylor

INSPECTOR