
Appeal Decision

Site visit made on 13 May 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2020

Appeal Ref: APP/X3540/D/20/3244405

8 Haywards Fields, Kesgrave, England IP5 2XH

- 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 Daniel John O'Mahony against the decision of East Suffolk Council.
 - The application Ref DC/19/4338/FUL, dated 5 November 2019, was refused by notice dated 2 January 2020.
 - The development proposed is to erect a fence using concrete post, postmix, lap panel, trellis.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - the character and appearance of the area; and
 - highway safety.

Procedural Matter

3. The proposed development has been completed and as such I am considering this appeal retrospectively.

Reasons

Character and appearance

4. Haywards Fields is a residential cul-de-sac. It features a turning head with parking areas accessed from it. The area is characterised by open frontages and soft landscaping which gives it an open and green feel.
5. The appeal site is located adjacent to the turning head and one of the parking areas. The fence is highly visible and extends around the entirety of the area to the front of the dwellinghouse at 8 Haywards Fields. As a result of the fence's height, length and prominent position to the front of no. 8, it appears as a large and incongruous feature within the cul-de-sac, which undermines the prevailing character of the area.
6. I therefore consider that the fence has a harmful effect on the character and appearance of the area. The development is contrary to policy DM21 of the Suffolk Coastal District Local Plan Core Strategy & Development Management

Policies Development Plan Document, which seeks to ensure that development relates well to the character of its surroundings.

Highway safety

7. The fence restricts visibility for both vehicle users and pedestrians in the vicinity of the turning head and the parking area adjacent to no. 8. The restriction in visibility, in combination with the curved alignment of the highway, is likely to result in conflicts between vehicles and pedestrians emerging from the parking area and highway users travelling along Haywards Fields. In addition, I note that the Highway Authority has objected due to this issue. I therefore consider that the development has an unacceptable effect on highway safety.
8. I accept that vehicles are likely to travel along Haywards Fields and emerge from the parking area at low speeds, however, I do not consider that this means that the arrangement is safe.
9. The Highway Authority and third parties have indicated that occasions have been reported where accidents could have occurred as a result of the restriction in visibility. However, the appellant has stated that such occasions have not occurred. Although I have not been provided with evidence confirming that accidents have occurred to date, I nevertheless consider that the fence poses an ongoing risk to highway safety.
10. I therefore conclude that the fence has an unacceptable effect on highway safety. The development is contrary to the National Planning Policy Framework which, amongst other things, indicates that development should be refused where it results in an unacceptable impact on highway safety.

Other matters

11. I acknowledge that the fence increases privacy and provides a sense of security for the occupiers of the appeal property. In addition, I appreciate that the appellant may have attempted to engage with East Suffolk Council and Kesgrave Town Council to discuss potential alternatives to the fence, and that local residents may have initially given the appellant positive feedback on the fence. I also acknowledge that the appellant may have not known that planning permission was required. However, these matters do not outweigh the harm that I have identified.
12. Third parties believe that the fence encloses land which may not be within the control of the appellant. Ownership issues are not within my jurisdiction but, in any event, I have concluded on the main issues and found the development to be harmful.

Conclusion

13. For the reasons given above, I dismiss the appeal.

Mark Philpott

INSPECTOR