



Appeal Decision

Site visit made on 19 May 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/Y0435/W/20/3245598

Romans Field School, Shenley Road, Bletchley MK3 7AW

- 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 Dr Elleman against the decision of Milton Keynes Council.
 - The application Ref 19/01111/FUL, dated 11 February 2019, was refused by notice dated 26 July 2019.
 - The development proposed is perimeter fence with replacement vehicular access gates and new pedestrian gate.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon neighbouring living conditions, having particular regard to outlook;
 - Whether the proposal would be likely to increase opportunities for crime; and
 - The effect upon biodiversity.

Reasons

Character and appearance

3. The appeal site is comprised of the grounds of a school. Except for its Shenley Road frontage, the site typically abuts the various surrounding garden areas of neighbouring residential properties. Whilst the character and appearance of the site's surroundings is typically residential, several other schools exist locally.
4. The site's existing perimeter boundary treatment is typically comprised of timber close-boarded fencing of approximately 1.8m in height. Nevertheless, there are also existing hedgerows in place. This includes to the site's Shenley Road frontage, where hedging is complemented by low-level chain-link fencing and timber-constructed access gates. Whilst the chain-link fencing and gates would be replaced, it is intended that existing hedgerows and close-boarded fencing be retained alongside the new perimeter fencing that is proposed.

5. The proposed fencing and gates would measure 2.4m in height and be of a green-coloured metal mesh specification. They would be of perforated and slimline design. Even so, the proposed fencing and gates to the site's Shenley Road frontage would, owing mainly to their 2.4m height, have a visual presence in the streetscene. Nevertheless, this presence would be tempered to a significant extent by virtue of the intended setback position from the highway and the continued presence of hedging to the fencing's outer side.
6. Where not intended to be positioned to address Shenley Road, the proposed fencing would have a more discreet presence in terms of how it would be viewed from publicly accessible vantage points. Furthermore, for the most part, it would be installed immediately alongside existing close-boarded fencing which would limit its visual effect. I acknowledge that the proposed fencing would be visible, at least in-part, from numerous neighbouring residential addresses. Nevertheless, a relatively short height discrepancy between existing treatments and the proposed fencing is involved such that there would be limited implications in a character and appearance context. Also, it is relevant to note that fencing of slimline design and simple vertical alignment is intended.
7. For the above reasons, and particularly when noting the presence of existing school fences of not dissimilar height and specification locally, the proposal would not cause harm to the character and appearance of the area. The proposal accords with Policies D1 and D2 of Plan:MK 2016-2031 (adopted March 2019) (Plan:MK) in so far as these policies require that development proposals will be permitted if landscape and boundary treatments integrate with and/or enhance those of the surrounding area.

Living conditions

8. As already described above, to the majority of the site's perimeter the proposed fencing would abut the grounds of neighbouring residential properties. The Council has suggested that the new fencing would have an overbearing impact and several interested parties that occupy dwellings that adjoin the site have submitted objections/concerns as regards the effect of the proposal when viewed from their properties.
9. Where close-boarded perimeter timber fencing of approximately 1.8m in height is already in place, a relatively limited height discrepancy between the existing and proposed fencing is involved. Furthermore, where an existing hedgerow is located to the rear of properties that front Shenley Road it can be observed to typically provide a robust soft edge to the site. In these contexts, the intended perimeter fencing, being of perforated, slimline and simple design, would in most cases not have an overbearing effect to the detriment of neighbouring residential living conditions. This is even when noting its intended proximity to neighbouring garden areas.
10. However, there are exceptions to my above findings. 21 Wiltshire Way (No 21) is a detached property that is laid out such that its flank wall runs approximately parallel to the site. This wall contains two window openings (the windows) of fair size that face the site from a very short distance at ground floor level. At least one of the windows serves the property's kitchen, and both provide outlook for No 21's occupiers.

11. Whilst current views from the windows are undoubtedly influenced by the close-boarded boundary fencing that already exists, an open and clear aspect is in place above this fencing. This clear aspect would be eroded to a noteworthy degree by the imposition of a 2.4m high treatment in such proximity to the windows. In this context, the proposed fence, even when noting its perforated specification, would appear unduly prominent and overbearing and lead to an unacceptable loss of outlook from the internal area of No 21. Furthermore, a comparable effect would result at 7 Wiltshire Way (No 7), which, when compared to No 21, has a similar layout and relationship to the site.
12. I have been made aware of a previous planning application¹ at the site for the erection of security fencing, which was refused by the Council in 2015 contrary to officer recommendation. Whilst the previously proposed fencing was slightly higher and of differing design when compared to what is proposed here, the previous scheme is of limited relevance to my considerations as it related only to a relatively small portion of the site.
13. For the above reasons, the proposal would cause harm to neighbouring living conditions at Nos 7 and 21, having particular regard to outlook. The proposal conflicts with Policy D5 of Plan:MK in so far as it requires that all proposals will be required to create and protect a good standard of amenity for buildings and surrounding areas, and in particular should ensure that new development is not overbearing upon existing buildings and open spaces and that the outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory.

Crime

14. Consistent with the description of development under consideration, the proposed fence would run the perimeter of the appeal site. However, its position would be, for the most part, set in a short distance from the very outer edge of the site. Indeed, the presence of existing boundary treatments necessitates that this would need to be the case.
15. The Council has suggested that the resultant gap between the existing and proposed fences would promote security and fly-tipping concerns. Nevertheless, the appellant has indicated that it is not their intention to provide a navigable gap between fences. Notwithstanding the plans and other related fencing details that have already been provided, in the event the appeal be successful, I am satisfied that a planning condition could be reasonably imposed that secures final details of fencing installation. Such a requirement would allow, without materially altering the scheme that is before me, the precise position of the proposed fencing (relative to existing fencing) to be confirmed to the Council's satisfaction. Such a condition could also secure specific measures to deter unauthorised access between fences at the site's southwestern corner (from Shenley Road).
16. For the above reasons, the proposal would be unlikely to increase opportunities for crime. Indeed, by virtue of the 2.4m high perimeter fencing intended, the proposal would provide security benefits and accords with Policy D1 of Plan:MK in so far as it requires the layout of development proposals to maximise prevention of crime and to minimise the perception of crime.

¹ 14/02446/FUL

Biodiversity

17. The site contains various planted features, including trees, hedgerows and shrubs that are situated at, or in proximity to, the site's boundaries and which provide potential wildlife habitat. I have noted various representations from interested parties as regards the local presence of wildlife, including of hedgehogs.
18. It is the appellant's stated intention to minimise any loss of planting as a result of the fencing's installation. Indeed, they anticipate that no trees or shrubs would be lost. Having cross-referenced the intended position of the fencing (as illustrated upon the submitted site layout plans) against the position of planting as it exists on the site, I am content that limited losses would realistically be anticipated. It is also the case that a planning condition could be imposed, should the appeal be allowed, to secure full details of the specimens to be protected and of the associated protection measures to be utilised during the fence's installation. Furthermore, additional soft landscaping could be secured via condition to provide full assurances that any planting losses would be suitably compensated for.
19. The Council's Ecologist has requested that the fencing incorporates either a raised base or hedgerow passes to ensure that the fencing remains passable by hedgehogs. This is a reasonable requirement that could, notwithstanding the fencing details currently provided, be suitably secured via planning condition in the event of a successful appeal. Indeed, I am satisfied that a condition could also be used to satisfactorily secure a wider scheme of biodiversity enhancement at the site.
20. For the above reasons, the proposal would have an acceptable effect upon biodiversity and would not cause harm in this context. The proposal accords with Policy NE3 of Plan:MK in so far as it requires that development proposals maintain and protect biodiversity and geological resources and, wherever possible, result in a measurable net gain in biodiversity.

Other Matters

21. I have noted objections/concerns raised by interested parties with respect to matters including future maintenance responsibilities and the effect of the proposal upon the emotional wellbeing of pupils. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here. I acknowledge here that there is no reason to consider that the proposal would prejudice highway safety.

Planning Balance

22. The erection of 2.4m high perimeter fencing and gates would provide security benefits for the school and its pupils. Indeed, the school provides education for potentially vulnerable individuals. Nevertheless, the various fenced, gated and vegetated elements that currently exist to the site's perimeter already provide a reasonable level of security. Whilst reference has been made to pupils having absconded into neighbouring gardens, it has not been clearly demonstrated that this has happened frequently or that a security fence of the height proposed would be strictly necessary to deter pupils of primary school age from absconding.

23. It has been brought to my attention that improvements to the school have occurred since it was first constructed. Nevertheless, I see no clear reason why the school's expansion should necessarily justify the erection of a security fence of the type proposed. As a further note, there is nothing before me to indicate that the site or wider local area is prone to regular instances of crime. For the above reasons, I attribute moderate weight to the scheme's security benefits.
24. The benefits of the scheme would not outweigh the harm to neighbouring living conditions and the associated policy conflict that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

25. I have found that no harm would be caused by the proposal to the character and appearance of the area, that the proposal would be unlikely to increase opportunities for crime to occur and that no harm would be caused to biodiversity. However, the proposal would cause considerable harm to neighbouring living conditions at Nos 7 and 21 Wiltshire Way, having particular regard to outlook. That harm is the overriding consideration in this case.
26. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR