



Appeal Decision

Site visit made on 22 May 2020

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9TH JUNE 2020

Appeal Ref: APP/C4615/C/19/3244378

1 Hazeldene Road, Halesowen, Dudley, B63 4LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by T Ali against an enforcement notice issued by Dudley Metropolitan Borough Council.
 - The enforcement notice H/103/02/02/N was issued on 3 December 2019.
 - The breach of planning control as alleged in the notice is without planning permission, and within the last four years, the erection of boundary fencing ("the Fence") on the Land and adjacent to a public highway which Fence exceeds one metre in height.
 - The requirements of the notice are: i) Take down and remove the whole of the Fence and any associated components from the Land, and ii) Remove any debris or other waste from the Land arising from the demolition works and arising from compliance with step (i) above OR iii) Reduce the height of the Fence and associated components to 1m in height, and iv) remove any debris or other waste from the Land arising both during the demolition works and from compliance with step (iii) above.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) and the deemed application for planning permission

Main Issues

2. The appeal on this ground seeks planning permission for the matters stated in the notice for the development as built i.e. the boundary fence adjacent to the highway which exceeds 1 metre in height.
3. The main issues in the ground (a) appeal are the effects of the development on the character and appearance of the surrounding area and highway safety.

Character and Appearance

4. The site is situated in a residential estate which predominantly consists of semi-detached houses set back from the roads by a front garden. Most of the houses have either an open front boundary or a low fence, hedge or wall which gives the estate an open and green appearance.
5. The site is situated on a large corner plot with a long boundary on the junction of Hazeldene Road and Foxhunt Road. The solid fence is significantly higher

than 1 metre and stretches along the rear edge of the footway on both sides of the junction. It is an unbroken dark colour and is an obtrusive and discordant feature in the street scene.

6. The appellant has referred to other properties in the vicinity with fences and hedges higher than 1 metre. Hedges do not constitute development that require planning permission and each development must be considered on its own merits depending on its plot and location. The appeal site is particularly prominent due to its position on the junction and the length of the boundary. The development appears out of place in this setting and causes harm to the street scene.
7. The issues outlined above cause material harm to the character and appearance of the area contrary to policies ENV 2 and ENV3 of the Black Country Core Strategy (2011) and L1 and S6 of the Dudley Borough Development Strategy (2017) which are intended to promote design objectives and preserve the character of local areas.

Highway Safety

8. The Highway Authority objected to the development on the grounds that the fence prevents driver visibility when using the junction. The visibility splays are less than the minimum levels in the appropriate standards and whilst this in itself is not always conclusive in terms of highway safety my observations during the site visit lead me to conclude that the development causes an unacceptable impact on highway safety for road-users at the junction. Drivers and cyclists approaching the junction along either road have a reduced visibility which is detrimental in terms of highway safety.
9. The development is contrary to policies ENV3 of the Black Country Core Strategy (2011) and L1, S6 and S17 of the Dudley Borough Development Strategy (2017) which are intended to promote quality in design including highway safety.

Conclusion

10. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Zoë Franks

INSPECTOR