
Appeal Decision

Site visit made on 29 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2020

Appeal Ref: APP/N1160/D/20/3252104

28 Goodwin Avenue, Plymouth PL6 6RL

- 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 Peter Glanville against the decision of Plymouth City Council.
 - The application Ref 19/01838/FUL, dated 8 November 2019, was refused by notice dated 31 March 2020.
 - The development proposed is proposed retention of front boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted that the boundary wall was largely constructed at the time of my site visit. Although they are not detailed in the plans, there was also a metal gate in situ across the driveway and feature lights on the gate piers immediately either side of it.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

4. The area is predominately characterised by terraces of two storey housing fronting onto the estate road, Goodwin Avenue. Some dwellings have driveway parking to the front. It appears that a high number of cars are regularly parked on the estate road, on the side of the appeal site, resulting in it being reduced to single width for much of its length.
5. Front garden boundary treatments vary along the length of the road but are mainly either block or brick walls, of around 900 mm high, or hedging, of marginally higher heights overall. Whilst the enclosure of the front gardens is not uniform, the heights and proportions of the boundary treatments maintains a degree of openness and proportionality relative to the space that they enclose.
6. The wall subject of the appeal is visibly higher than the majority of walls in the surrounding area. Many walls in the surrounding area also have more slender proportions whereas the subject wall is bulkier, with gate piers that protrude higher and are more substantially scaled. With the addition of the spherical

capping ornaments and feature lights, the wall appears unnecessarily domineering within the context of its surroundings.

7. In view of this main issue, the proposal is harmful to the character and appearance of the area, contrary to, in particular, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019) (JLP). This Policy, amongst other things, seeks to ensure new development meets good standards of design and improves the quality of the built environment.

Highway safety

8. The wall directly adjoins the footway and extends up to between approximately 1.7 to 1.8 metres in height at its highest points. The gate piers protrude beyond the back edge of the footway marginally more than the wall itself.
9. In terms of the visibility for emerging drivers, the Development Guidelines Supplementary Planning Document First Review (2013) (SPD) indicates that walls over 1 metre high at the front of the property which restrict visibility for road users are unacceptable and are likely to be resisted. Additionally, the Devon Highway Design Guide (updated 2001) indicates that unobstructed visibility splays serving dwellings should be at a 45 degree angle and measure a total distance of 11.2 metres across the frontage (in the order of 5.6 metres either side of the middle of the car windshield).
10. Notwithstanding that a hedge may have previously enclosed the front garden, the height and solidity of the wall, narrowed opening and increased bulk of the gate piers, limits the visibility splays for drivers emerging from the appeal site. This results in cars needing to proceed over the footway in order to emerge from the driveway into the carriageway with risks to users thereof.
11. The siting, design and height of the wall also affects neighbouring occupiers with adjoining driveways at Nos 26 and 30 Goodwin Avenue. The overall result is that the visibility of a greater number of highway users is more constrained. This complicates the manoeuvres that they will regularly undertake into, and out from driveways, onto a narrow carriageway which also has parked cars obstructing visibility for a large part of its length.
12. In view of this main issue, the development prejudices highway safety, contrary to, in particular, Policy DEV29 of the JLP, which seeks to ensure that development contributes positively to the achievement of a high quality, effective and safe transport system. For similar reasons, the proposal fails to accord with guidance in the SPD, specifically paragraph 2.2.82, which seeks to ensure that walls do not impinge on highway safety.

Other Matters

13. I note the appellant has previously made a number of other improvements to the dwelling. Whilst they assimilate well with the character of the surrounding area, they do not alter my findings specifically in relation to the wall itself.
14. There is a front wall at no 67 Goodwin Avenue which is more similar in height to the appeal proposal than many others along the road. No 67 occupies a corner location, and by extension, has less of an impact in terms of constraining visibility. It is also modestly slenderer and more discreet in its appearance than the appeal proposal. In any event, I do not have any

information as to why that wall was found to be acceptable, if indeed any permission was sought at the time of its construction.

Planning Balance and Conclusion

15. The appeal proposal conflicts with the Development Plan and there are no considerations of sufficient materiality to outweigh the identified harm or associated policy conflict.
16. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR