
Appeal Decision

Site visit made on 22 July 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/L2440/W/20/3248928

Natsons House, Cornwall Road, Wigston LE18 4XH

- 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 Nathani against the decision of Oadby & Wigston Borough Council.
 - The application Ref 19/00314/FUL, dated 19 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is described as 2.4 metres high fence behind the existing fence perimeter and along the perimeter of the site, with associated gateway entrances.
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Decision

1. The appeal is dismissed.

Main Issues

- The effect of the proposed development on the character and appearance of the area and protected trees; and
- The effect of the proposed development on highway safety.

Reasons

Character and Appearance and Protected Trees

2. The appeal site is a series of adjoined industrial buildings set back from and facing Cornwall Road. They are currently in use as a self storage business. The front section is a low rise pre cast concrete structure, the rear a taller triple pile gable roofed building. They are part of a street scene of industrial and commercial uses in buildings of varying designs located mostly to the east of Cornwall Road and abutting the railway line. The wider area to the opposite side of Cornwall Road and beyond is predominantly residential with densely laid out detached and semi detached two storey dwellings. The frontages to the industrial units that face Cornwall Road are open and spacious with a distinct verdant character with includes deep grass verges and mature trees. Built boundary treatments tend to be low level and inconspicuous.
3. At 2.4 metres in height, the proposed fencing would be very tall. It would be deployed mostly across the frontage of the appeal site and part of the sides. As a result of these factors it would be highly prominent in an otherwise open and spacious street scene of low boundary treatments where they exist. The tight mesh design and metal finish would be strident and alien a feature,

creating a harsh sense of enclosure to the site. Whilst I acknowledge that the appeal site is part of an industrial street scene, it is one that shares a visual space with a dense residential area and the use of deep grass verges and low boundary treatments reflects this. The use of such a high sided and stark fence design would appear obvious and incongruous in this context.

4. I was able to view the mature trees that are located to the front of the appeal site. They sit within the boundary, at roughly the back edge of the public highway. They are good quality, varied and some included in a long standing group preservation order. I agree with the Council that they provide a high quality of visual amenity for what is in part an industrial street scene, garnering a verdant setting for what are lesser quality buildings in architectural terms. Overall, they contribute positively to the public realm, diluting the harshness of some of the material used in the buildings.
5. As far as I can see from the plans I have seen, the proposed fencing would be erected in close proximity to a number of them. The support structure for what would be a tall and extensive run of boundary treatment would need some form of permanent fixture to the ground. This in itself would likely involve invasive ground works in and around the trees. In the absence of any tree survey or detailed information on the location of any ground works, dig methods or how the fence will be supported inside route/canopy spread areas, I cannot be certain that trees would not be adversely affected. As I have said, these trees are not only protected by a preservation order but make a valuable contribution to the visual qualities of the area. Not knowing how they may be affected, with a likelihood they would in some way, I am unable to take a view as to whether the proposed development would be acceptable in regard to them. This would also have adverse implications for the character and appearance of the area to which they contribute.
6. The harms I have found in regard to this main issue would result in conflict with section 12 of the Framework¹ and Policies 1, 6 and 44 of the Local Plan². Amongst other things, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance, improves the environmental conditions of the borough and respects existing local character. They also set out that development proposals will only be permitted where they are in keeping with the area in which they would be situated.

Highway Safety

7. The crux of the Council's concerns in regard to this main issue appears to be that there was a lack of detail pertaining to how the fencing and gates would operate in the context of the functioning of the highway. Specifically, this related to set back distances, access widths, visibility splays and pedestrian visibility. As part of my site visit, I noted there are two entrances into the appeal site, either side of the section of building that is set back from and facing Cornwall Road. These would, according to the plans I have seen, be defined by two sets of double gates at the same height as the proposed fencing.
8. Whilst there was clearly a lack of detail on the matters I have set out above submitted with the appeal scheme, I note the proposed gates would open

¹ The National Planning Policy Framework 2019

² The Borough of Oadby and Wigston Local Plan 2011-2031 (2019)

inwards and as such would not block the footway, the grass verge or the carriageway. They would be set back behind the aforementioned verge which seems to be sufficiently wide to allow for good visibility left and right for exiting vehicles to see both passing vehicles and pedestrians. Vehicles would exit onto a road which, due to its alignment and number of accesses that join it, carries traffic at a fairly sedate pace. The proposed fence would be a mesh design which would allow some visual permeability.

9. With these factors in mind, and perhaps the use of planning conditions to ensure they were carried forward, I feel this would be sufficient to make the proposed development acceptable in highway safety terms.
10. The Council have not referred me to a policy of the development plan specific to this main issue but I am satisfied that, as a result of the above, the appeal scheme would comply with paragraph 108 of the Framework which sets out, amongst other things, that safe and suitable access to a site should be achieved for all users.

Other Matters

11. The appellant states that the fencing is required for the security of the site. They operate a self storage business from the buildings and there is a further suggestion that a lack of such a fence could have implications for the success of the business going forwards. I can see the merit of the fencing in this respect. However, I have not seen details of other options that have been explored to improve security at the site, what measures might already be in place and whether storage at the site is more than inside what appear to be secure, permanent buildings. As such, I am not satisfied that there is sufficient justification for the fence in light of the harms that it would cause. I am not therefore minded to allow the appeal in light of this argument.

Conclusion

12. I have found in the appellant's favour in regard to the second main issue. Since this would be a lack of harm, it would not, by definition, be sufficient to weigh against that which would be caused in relation to the first. Harm which would result in multiple conflicts with the development plan and the Framework. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR