



Appeal Decision

Site visit made on 20 July 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/R4408/D/20/3251502

2 Inglewood, Darton, Barnsley S75 5NY

- 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 Mark Foster against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/1479, dated 28 November 2019, was refused by notice dated 21 February 2020.
 - The development proposed is described on the planning application form as "to erect fence approx 30 feet and 6 feet high".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I saw that the development had commenced and appeared to be substantially complete. I have determined this appeal on that basis.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - Highway safety; and
 - The character and appearance of the area.

Reasons

Highway Safety

5. The fence is located directly adjacent to the public footway to the side of the site and projects along one side of the open plan front garden. Due to the arrangement and height of the fence, this effectively blocks the intervisibility between vehicles on Inglewood and pedestrians approaching from the north. This may lead to both pedestrians and drivers being unaware of each other's

- presence. Although there is a footway to the front of the site, the junction between the footways to the side and front is relatively sharp and the gap between the end of the fence and the carriageway is also limited. As a result, there is a realistic potential for pedestrians to emerge unexpectedly onto the carriageway with resultant harm arising from collisions with vehicles.
6. Although some visibility is enabled by the 'hit and miss' construction of the fence I saw that this was of limited effect and did not provide a suitable degree of intervisibility with the carriageway.
 7. The Council's Highways Development Control consultee has suggested that this could be addressed by a condition limiting the height of the fence for 2m from its southernmost point. The appellant disputes this condition as he contends that there is no legislation preventing the planting of a hedge. However, development proposals should be assessed on the basis of addressing matters of public safety rather than exacerbating them based on a theoretical alternative. Consideration of the potential planting of a hedge does not lead me to a different conclusion in respect of the harm to pedestrian safety which would arise from the fence.
 8. The Council also refers to the effect on intervisibility between drivers on Inglewood and St Andrews Drive. However, the fence is set back from the junction by a verge, and I saw that this enables a suitable degree of visibility for drivers passing through the junction.
 9. The appellant refers to vehicles parked on the highway which may affect the junction. However, with regards to the effect on pedestrians, such parking is likely to be intermittent and the vehicles would not create the same degree of obstruction to views of oncoming traffic compared to the fence.
 10. Notwithstanding my conclusions in respect of visibility for drivers at the junction, I consider that the fence would lead to significant harm to highway safety due to its effect on the intervisibility between pedestrians and drivers. The proposal would therefore be contrary to Policy T4 of the Barnsley Local Plan 2019 (the Local Plan) in respect of safe access and movement.

Character and Appearance

11. The appeal property is a detached dwelling in a pleasant suburban area. The prevailing character of the streetscape consists of dwellings with open plan front gardens including landscaping, with enclosed rear gardens. Although the boundary treatment varies between the plots, the character is generally open and spacious in nature. The appeal site is in a prominent position in the streetscape as it is a corner plot near to a junction.
12. The appeal proposal consists of a vertical boarded fence to the side of the property, running to the front boundary from the original high means of enclosure to the rear. It has a height of approximately 6ft and is located directly adjacent to the public footpath to the side. From the evidence before me the fence replaced an extent of planting which made a positive contribution to the streetscape.
13. In contrast, the fence appears as a stark and incongruous feature extending along the boundary. It is particularly obtrusive in views along the front of the site within the context of open plan front gardens and boundary planting. As a result, the excessive height and length of the fence when combined with the

proximity to the footpath and absence of soft landscaping along the boundary would undermine the open and verdant character of the area.

14. The appellant has offered to paint the fence. However this would not mitigate the harm arising from the fence due to its scale, design and inappropriate location.
15. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its scale, design and location. The proposal would therefore be contrary to the design requirements of Policy D1 of the Local Plan. It would also be contrary to the advice of the Walls and Fences Supplementary Planning Document 2019 in respect of design and appearance.

Other Matters

16. The appellant refers to higher and more extensive fences in the wider area. However, I saw these primarily related to the enclosure of rear gardens and do not set a prevailing context for the appeal proposal.
17. The appellant has provided photographs of a fence elsewhere in the area, although I have not been given details of the circumstances which led to this being granted planning permission and so cannot be sure it represents a direct parallel to the appeal before me. In any event, I have determined this appeal on its own merits.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR