
Appeal Decision

Site visit made on 28 July 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2020

Appeal Ref: APP/A1910/D/20/3251555
68 Tring Road, Wilstone, Tring HP23 4PD

- 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 Mrs Jane Lovis against the decision of Dacorum Borough Council.
 - The application Ref 4/01970/19/FHA, dated 14 August 2019, was refused by notice dated 25 February 2020.
 - The development proposed is the erection of a wooden close board fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the header above to remove superfluous descriptive wording. I am satisfied this provides an accurate description of what is proposed.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, including the Wilstone Conservation Area (WCA) and (ii) highway safety, with particular regard to visibility.

Reasons

Character and appearance

4. The appeal relates to a corner garden plot within the WCA. There is an existing tall timber fence, which sweeps around the tight bend in the road and extends the full length of the garden's frontage. This does not have the benefit of planning permission.
5. The proposal seeks to retain the fence but in a different position, set back from the roadside. It also seeks to reduce its height through the removal of the trellis feature which runs along the top of the existing fence. The fence would be set back by about 1.85 metres from the road nearest to the dwelling and around 0.5 metres where it meets the shared boundary with No 66. The site is in a slightly elevated position above the road. As a result, the plans indicate that the fence would be around 2.15 metres tall from the road for its entire length.
6. From the evidence before me and my own observations of the area, the significance of the WCA appears to lie in its historic layout, including the

incidental public and green spaces this has created, the tightly knit grain of buildings along the main part of Tring Road, and the age and quality of many of its buildings, both individually and in groups. The site itself is in an extremely prominent location close to the edge of the conservation area, opposite public open space and a right of way. When approaching from the north, the sharp bend effectively announces the entrance to the main historic character of the village. As such, the site is in a very sensitive part of the WCA.

7. There are a variety of boundary treatments to the front of buildings throughout the village. The majority, however, are low fences, hedgerows and shrubbery, walls or railings. They tend therefore to be much lower profile and, in many cases, softer features than what is proposed here. The only examples of timber fencing of the height and nature of that proposed are in sporadic examples of side boundaries. While some of these are visible from the roadside, none are in as prominent a location as the appeal site.
8. The appellant has drawn my particular attention to the fencing of No 55. However, this is also a side fence which runs away from the road along the side of the dwelling and public footpath. The majority of this fence is also outside the conservation area and is in a less prominent position. The element nearest the road, and within the WCA, is also at a lower height. Examples of similar fencing fronting Grange Road are also outside the conservation area. Furthermore, they are set back behind both a pavement and grass verge and thus offer a far less imposing and overbearing physical presence than what is proposed.
9. Therefore, by virtue of its excessive height and length, combined with the large unbroken expanse of timber, the development would result in an unduly prominent, intrusive, hard and discordant feature. Neither the set back from the road, nor painting the fence a different colour, would alter what would be an uncharacteristic and unsympathetic addition to the street scene.
10. The fence would therefore result in unacceptable harm to the character and appearance of the area and detract from the significance of the WCA. Accordingly, there would be conflict with Dacorum Core Strategy (DCS)(2013) policies CS12 and CS27 and saved Policy 120 of the Dacorum Borough Local Plan (2004) which seek, amongst other things, to ensure development integrates with streetscape character and preserves or enhances the appearance and character of conservation areas. The harm caused to the significance of the WCA would be 'less than substantial'. Paragraph 196 of the National Planning Policy Framework (the Framework) states that in such circumstances, the harm should be weighed against the public benefits of the proposal. I shall return to this below.

Highway safety

11. The Council raised two concerns relating to highway safety; firstly, that drivers exiting the dwelling's car port would have poor visibility and secondly, that drivers approaching the bend would have restricted forward visibility around what is a very sharp bend in the road.
12. The car port is relatively near to the bend and, with or without the fence, it is likely that visibility to the left is less than ideal. The fence in its current position directly abutting the roadside is likely to exacerbate any visibility issues that may exist. Setting the fence back by around 1.85 metres would provide a

clearer view across the front of the garden to the bend itself. However, visibility around the bend would still be restricted. The evidence before me is not persuasive that the fence would not unacceptably or unnecessarily increase the risk to drivers exiting the site.

13. Similarly, the evidence does not clearly demonstrate that the setting back of the fence, by just 0.5 metres in places, would provide sufficient forward visibility around the bend to be considered safe. In coming to this conclusion, I have had regard to the fact that drivers will need to slow down for the bend in any event. I have also noted various references in the evidence to a hedge that has been removed from the site. However, few details relating to this have been provided in relation. Neither of these factors lead me to conclude the fence would not increase risks to drivers and pedestrians.
14. Based on the evidence before me, I cannot conclude with any certainty that the proposal would not result in unacceptable risks to drivers exiting or approaching the site. Accordingly, there would be conflict with CS Policy C12 which seeks, amongst other things, to ensure development provides a safe and satisfactory means of access for all users. It would also conflict with paragraph 109 of the Framework, which states that development should be refused where it would have an unacceptable impact on highway safety.

Other Matters & Planning Balance

15. The fence would clearly provide some private benefits to the occupants in terms of privacy and security. However, there is nothing to suggest that similar benefits could not be achieved without causing the same degree of harm. Furthermore, these would not be public benefits and thus do not weigh in favour of the proposal in terms of the impact on the WCA. There are therefore no public benefits that would outweigh the harm to the heritage asset. Accordingly, the development would also conflict with paragraph 196 of the Framework.
16. The appellant has drawn my attention to the lack of a conservation area appraisal for the WCA. However, this does not mean the impact on the heritage asset cannot be assessed. I have considered the merits of the proposal based on the evidence that has been provided and my own observations of the area.
17. In conclusion, I am satisfied that there are no material considerations that would outweigh the harm identified or the conflict with the development plan as a whole.

Conclusion

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

S J Lee

INSPECTOR