The Planning Inspectorate

# Appeal Decision

Site visit made on 13 August 2020

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 August 2020**

**Appeal Ref: APP/X1355/D/20/3254324**
**1 Adolphus Place, Lord Street (Back), Seaham SR7 7JH**

- 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 Sylvia Rosher of Naughtons Solicitors LLP against the decision of Durham County Council.
- The application Ref DM/19/02456/FPA, dated 15 July 2019, was refused by notice dated 2 April 2020.
- The development proposed is retention of close boarded wooden fence at a height of 2000mm.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The development has been undertaken and therefore I am considering this appeal retrospectively.

## Main Issues

3. The main issues are the effect of the development on 1) highway safety and 2) the character and appearance of the area.

## Reasons

*Background*

4. The appeal site comprises an end property of a terrace of six dwellings that were granted planning permission in 2017. The approved plan (ref 6/81/02 Rev A), submitted as part of the appeal, shows a 2000mm high boundary wall and fence to the rear gardens of the properties. The plan shows that the land to the side of the appeal property is not to be enclosed.

*Highway safety*

5. The appeal property is located on a corner junction. The boundary treatment has been erected within the visibility splay that is shown on the approved site plan.

6. I observed on my site visit that at the junction, the visibility of traffic approaching from the right is not obscured by the boundary treatment. However, due to the siting, height and solid appearance of the boundary

treatment, the visibility of traffic approaching from the left is obscured. I find that in this instance, particularly where road users turning right are required to monitor traffic flows in both directions, such obscuring of visibility creates conditions that are detrimental to highway safety.

7. I therefore conclude that the development significantly harms highway safety. It is contrary to Policy 1 of the District of Easington Local Plan (2001) which requires, amongst other things, that all development shall make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

*Character and appearance*

8. The area around the appeal site is characterised as having small pockets of open space that serve to relieve the dominance of buildings and other structures in the public domain. This includes on the opposite corner of the junction on which the appeal site is located where a large supermarket building sits behind an open landscape strip on the corner.

9. Due to its length, height and solid appearance, the fence dominates this prominent corner site, appearing oppressive and incongruous. The fence does not sit well with the railings that are on top of the wall and this clash of styles causes further harm.

10. For the collective reasons outlined above, I therefore conclude that the development causes significant harm to the character and appearance of the area. It is contrary to Policies 1 and 35 of the District of Easington Local Plan (2001) which amongst other things, seek to ensure that development achieves a high standard of design and landscaping which relates well to the natural features of the site, the surrounding area and adjacent land uses.

11. The development also conflicts with paragraph 127 of the National Planning Policy Framework (the Framework) in relation to the requirement for developments to add to the overall quality of the area.

**Other Matters**

12. Although the application form refers to a fence of 2000mm in height, the appellant contends that the fence measures 1400mm in height, due to a difference in ground levels. Regardless, I have determined the appeal on the basis of the development that has been undertaken and the details before me.

13. I am referred to the presence of a fence that was previously on the site. I do not have full details of any previous fence and combined with the fact that it is no longer in place, I give this argument little weight. I have also determined the appeal on its own individual merits.

14. The appellant has referred to the lack of any accidents since the fence has been erected. Be that as it may, it does not remove the fact that the fence obstructs visibility and harms highway safety.

15. The appellant considers that to remove the fence it would adversely impact on the privacy of the property, increase noise levels and make the property more vulnerable from a security point of view. The Council no doubt considered these matters when granting planning permission for the property in 2017 with the boundary arrangements as shown on the approved plan. There is no evidence

before me that removing the fence would have an unacceptable impact on noise levels and there may be other more sensitive and safer options available to make the property secure. None of these factors justify allowing harmful development.

16. The appellant has referred to the fact that there is not a school nearby and therefore there is no risk to children crossing the junction. I find that such a fact has little weight in considering the effect of the development on highway safety and the character and appearance of the area.

**Conclusion**

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

*A M Nilsson*

INSPECTOR