



Appeal Decision

Site visit made on 5 October 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/W3710/D/20/3251605

29 Orchid Close, Bedworth CV12 0GR

- 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 Jaswinder Takhar against the decision of Nuneaton and Bedworth Borough Council
 - The application Ref 036875, dated 29 December 2019, was refused by notice dated 23 March 2020.
 - The development proposed is a 1.9 metre high wall/ railings to western boundary.
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Decision

1. The appeal is allowed and planning permission is granted for a 1.9 metre high wall/ railings to western boundary at 20 Orchid Close, Bedworth CV12 0GR in accordance with the terms of the application, Ref 036875 dated 29 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Ref 29 Orchid Close, submitted with the application.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. I have used the description of development provided in the Council's decision notice for the purposes of this recommendation as this is clearer than the description of given in the original application form. I also note that the appeal form describes the wall as being 1 metre in height, whereas the plans submitted clearly show the height to be 1.9 metres, which is consistent with the description provided in the decision notice.

Main Issue

4. The main issue is the effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons for the Recommendation

5. The appeal site is situated in the Orchid Close cul-de-sac in Bedworth, located at the turning circle beside Buttercup Way. It comprises a short fence running along the western boundaries of No. 29 Orchid Close and the dwelling opposite. At either end of the fence tall boundary treatments are present, being a brick wall to the south and a brick wall with additional trellis to the north.
6. The proposal relates to the erection of 1.9 metre high wall along the western boundary, replacing the short fence currently present. It would consist of brick pillars separated by low rise walls and railings above.
7. Although the appeal site is readily visible when travelling along Buttercup Way, the proposal would not reduce forward visibility for pedestrians or cyclists. Buttercup Way is a wide, open highway with adequate footpath space for use by both pedestrians and cyclists. Travelling southwards, it is largely straight in nature on the approach to the appeal site, after which it curves to the west. This curve in the road, combined with the high boundary wall adjoining the site, already results in reduced forward visibility for highway users. The proposal would neither aggravate nor contribute to this reduced visibility. It would follow the shape of the road and the fencing present such that the wall would be set in from the curve in the highway. Forward views in this direction would remain to the same extent as those currently present.
8. Travelling northwards Buttercup Way is less straight, and bends just before the appeal site, such that the site and fencing currently present are not visible on the approach. This would remain the case with the proposal in place. Travelling further north along the road past the site, the curve of the road would again ensure that the wall is set in from the highway, such that forward visibility for pedestrians and cyclists would not be impacted.
9. For all of those reasons I find that the development would not have an adverse effect on the safe and efficient operation of the highway network. Accordingly, it would comply with Policies BE3 and DS1 of the Nuneaton and Bedworth Borough Council Borough Plan 2011 – 2031, published 2019.

Conditions

10. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plan are necessary for the avoidance of doubt and in the interests of proper planning. A condition regarding the materials of the proposal is superfluous as these are noted in the approved plan.

Conclusion and Recommendation

11. Having had regard to all matters raised, I recommend that the appeal should be allowed subject to the conditions at paragraph 1 of this report.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed subject to the conditions at paragraph 1 of this report.

C Preston

INSPECTOR