



Appeal Decision

Site visit made on 2 March 2021

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/Y2003/D/20/3263101

44 Knightsbridge Road, Messingham DN17 3RA

- 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 Miss Madison Withers against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1360, dated 25 August 2020, was refused by notice dated 28 October 2020.
 - The development proposed is described as a retrospective application to retain fencing erected over existing boundary wall and erect new fence and gate.
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Decision

1. The appeal is allowed and planning permission is granted to retain fencing erected over existing boundary wall and erect new fence and gate at 44 Knightsbridge Road, Messingham DN17 3RA in accordance with the terms of the application, Ref PA/2020/1360, dated 25 August 2020.

Procedural Matter

2. At the time of my visit it was clear that the fence had been erected. I have no evidence to suggest that the construction of the fence has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal property is a detached dwelling located on a corner plot on a residential estate of single and two storey dwellings which have a variety of boundary treatments. The apex of the appeal plot is positioned on a junction at a point where the main estate road, Knightsbridge Road, bends to the east and a shorter and narrower road serving a residential cul-de-sac bends to the west.
5. An existing brick boundary wall wraps around the frontage of the appeal site and forms the property boundary with the highway. The Council, and observations at my site visit, confirm that this wall has been in-situ for some considerable time. The Council suggest that the wall is approximately 0.9m high.

6. The development has involved the erection of a wooden fence on top of the wall. The fence comprises of relatively thin horizontal timbers. The Council indicate that the fence is approximately 0.9m high. This provides for a total height of the boundary enclosure to the appeal property of approximately 1.8m. The development does not result in any change in the position of the wall nor does the fence appear to be positioned any closer to the highway than is provided by the existing wall.
7. The fence does not have any material impact on highway visibility for vehicles travelling along the Knightsbridge Road to and from the east.
8. The junction with the cul-de-sac to the west is relatively wide. The alignment of the junction of the cul-de-sac with the main estate road provides adequate visibility in both directions for vehicles exiting the cul-de-sac. The fence does not materially impinge on this visibility attainable at the junction for vehicles egressing the cul-de-sac. Furthermore, as the cul-de-sac is relatively short, vehicle speeds on the approach to the junction are likely to be low.
9. I do not consider that the fence causes any material loss of visibility for vehicles turning into the cul-de-sac off Knightsbridge Road of an extent that could reasonably be considered to compromise highway safety. Owing to the alignment of the junction, a vehicle exiting the cul-de-sac would be adequately seen by a vehicle wishing to access it.
10. The Council also suggest that the fence eliminates visibility for vehicles exiting the driveway of No 43 Knightsbridge Road. However, I do not find this to be the case. In the vicinity of the property boundary with No 43, the appeal site has a garden building. This is positioned relatively close to the boundary with No 43. In addition, in this location, there is a small amount of planting on the boundary with the road. Also, No 43 has a gate pillar that is close to the eye-line level of the driver of a car. In my view, these existing features have more of an effect on visibility for vehicles exiting the driveway at No 43 than the fence.
11. Consequently, I do not consider that the fence causes any appreciable loss of visibility for vehicles exiting No 43 beyond that which already occurs as a consequence of existing features. Any impingement to visibility that the fence may allegedly cause is not of an extent to warrant the dismissal of this appeal.
12. Taking the above factors into account, I do not consider that the development would cause any unacceptable harm to highway safety. The Council has identified that the development would be in conflict with Policies T2 and T19 of the North Lincolnshire Local Plan (2003). However, despite the Council's views, these policies do not specifically consider highway safety matters that could reasonably be considered to be relevant to the circumstances in this appeal.
13. Policy T2 is titled 'Access to Development' and requires that all development must be provided with a satisfactory access. The policy goes on to say that in larger developments it (access) should be adequately served by a number of criteria that relate to a choice of transport modes, public transport provision and access to the highway network. I do not consider that it can be reasonably argued that any aspects of this policy apply to the highways safety considerations in this appeal.

14. Policy T19 is titled 'Car Parking Provision and Standards' and sets out a number of criteria for the consideration of car parking provision in new development. Again, I do not consider that it can be reasonably argued that any aspects of this policy apply to the highways safety considerations in this appeal.
15. Notwithstanding the fact that no reasonably applicable Development Plan policy has been identified in the Council's reasons for refusal, the provisions of paragraph 109 of the National Planning Policy Framework (the Framework) are relevant. In this case I have found that the development does not have an unacceptable impact on highway safety. Consequently, the development does not result in any conflict with the provisions of paragraph 109 of the Framework.

Other matters

16. I have carefully taken into account the views of local residents and Messingham Parish Council. There is a mix of representations that are both in support and in objection to the development. I also note the appellant's views that the fence provides security for children playing in the garden and that planting could be undertaken in proximity of the wall that could grow to considerably exceed the height of the fence. However, these views, as important as they are, do not outweigh the basis for my determination of this appeal and my findings on the effect on highway safety.

Conditions

17. The fence has already been erected. The Council has not suggested any planning conditions and I do not consider that any conditions are necessary. Any subsequent changes to the fence would not be in accordance with the permission hereby granted.

Conclusion

18. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR