



Appeal Decision

Site Visit made on 3 August 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/C4615/D/21/3272867

2 Hordern Crescent, Brierley Hill DY5 2NP

- 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 John Marshall against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1716, dated 9 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is erection of 1.8 metre high fence and gravel boards (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision describes the proposal more accurately and so I have used this description of development as the basis for my decision and within the banner heading above.
3. The development concerned exists on site. I have therefore based my decision on what I saw on site, together with the evidence before me.

Main Issue

4. These are the effect of the proposal on (i) the character and appearance of the area and on (ii) highway safety.

Reasons

Character and appearance

5. The frontages to properties surrounding the appeal site are open in character owing to the low height of boundary walls and soft landscaping. The modest scale of these features and their muted colours and subtle materials contribute positively to the pleasing character of the site's surroundings. The appeal site, being on a corner plot, is in a prominent location and therefore has a notable effect on the character and appearance of the area.
6. The combined height of the gravel boards and fence, together with their extension along a notable length of the pavement creates an unduly prominent feature in the street scene. The stark colour of the fence reinforces its presence in the street. The development appears particularly incongruous in

views from Stockwell Avenue given the absence of boundary treatments that front the highway in this street.

7. The appellant has tidied up the appeal site and made it easier for pedestrians to walk along the adjoining footpath. Revealing the street sign and lamppost are other public benefits. I recognise too that the development provides security for the appellant and his dog. Nonetheless, the National Planning Policy Framework (2021) (the Framework) and Policies ENV3 of the Black Country Core Strategy (2011) and L1 of the Dudley Borough Development Strategy (2017) emphasise the importance of high-quality design and development that is visually attractive and respects and where possible enhances the character of an area. A balance must be struck, therefore, between the benefits of the development and its impact on the character and appearance of the area. In this case, the benefits identified do not outweigh the harm. And so, the development is harmful to the character and appearance of the area and contrary to Policies ENV3 and L1 and the Framework.

Highway safety

8. It was evident from my site visit that the development encroaches into the visibility splay for the occupiers living at No 17 and No 19 Stockwell Avenue. These residents, therefore, when exiting their drives in a vehicle, have limited visibility of vehicles and pedestrians travelling east along Stockwell Avenue. The development, therefore, creates unduly hazardous driving conditions with the potential for significant conflict between road users.
9. In removing vegetation, the appellant has improved visibility along the street. However, for the reasons given, the development is harmful to highway safety and is therefore contrary to Policy TRAN2 of the Black Country Core Strategy (2011) which, amongst other things, seeks development that does not have significant transport implications.

Other Matters

10. I understand that the appellant was not aware that planning permission was required for the development. However, the retrospective nature of the development and any costs incurred are not planning reasons which weigh in favour of the appeal.

Conclusion

11. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For the above reasons, the appeal is dismissed.

R Walmsley INSPECTOR