
Appeal Decision

Site visit made on 17 December 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2021

Appeal Ref: APP/A2525/D/21/3280845

La Triste, 9 Wrights Lane, Sutton Bridge, Spalding PE12 9RH

- 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 Steve Yorke against the decision of South Holland District Council.
 - The application Ref H18-0535-21, dated 6 January 2021, was refused by notice dated 8 July 2021.
 - The development proposed is the erection of last 2m of fencing next to 11 Wrights Lane/pavement. I would like to use a height of 2.0m above ground level.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the local area and on highway safety for users of Wrights Lane.

Reasons

Character and appearance

3. The appeal property is a 2-storey detached dwelling that addresses Wrights Lane within a mainly residential area. A variety of brick walls, fencing, railings, planting and open frontages broadly characterise the boundaries at the front of properties along this road. With a small number of exceptions, these boundary features are low-level, particularly those in the vicinity of the site. This low-key arrangement gives the local street scene to which No 9 belongs a sense of informality and an open feel, which is a distinctive.
4. The proposal is to extend the existing boundary fence that stands alongside the driveway of No 9 so that it terminates close to the back edge of the footway. The height of the new fence would be similar to that of the existing fence to which it would attach. Due to its position near to the footway, the new addition would be a more conspicuous feature than the existing fence, which is set back from the road. When viewed from Wrights Lane, on the immediate approach to the site, the proposal would appear as an uncharacteristically tall, solid and formal boundary feature. It would draw the eye as an incongruous feature given the marked contrast with the low-level and more informal boundary treatments that predominate along this section of the road.

5. While the appellant considers that the majority of properties along Wrights Lane have boundary fences well above 1-metre in height, I saw few such examples close to the site, with which the proposal would be seen. As such, I am unable to share the opinion of the Parish Council that supports the proposal and regards it to be in keeping with the residential nature of the local area.

Highway safety

6. The height and position of the fence close to the back edge of the footway would cause it to obstruct the view from the driveway of No 9 of road and footway users approaching from the north. As a result, a driver exiting the site would need to edge out onto the adjacent footway before there would be a more unrestricted view of oncoming pedestrians, cyclists and vehicles. This arrangement would pose an obvious and significant risk to highway safety. Motorists leaving the driveway of the adjacent property to one side of the site would similarly have a restricted view of road and footway users approaching from the south due to the new fence. Even though the number of vehicle movements using the access to the appeal property would be relatively modest, the proposal would still pose a safety hazard to users of Wrights Lane.
7. At the site visit, I observed that some properties had accesses to the highway at which the visibility of other road users would be hindered by existing boundary features. I am unaware of the detailed circumstances of these arrangements and most were far from ideal with regard to highway safety. These examples do not persuade me that the appeal scheme, which would add to highway danger, should therefore be accepted.

Conclusion on the main issues

8. On the main issues, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. It would also materially harm the safety of users of Wrights Lane. Accordingly, the appeal scheme conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011–2036 (LP). These policies aim to ensure that development achieves high quality design and meets various sustainable development criteria including those in relation to the character and appearance of the area and with regard to access. The proposal would also be at odds with policies of the National Planning Policy Framework, which note that new development should be sympathetic to local character, add to the overall quality of the area, and ensure safe and secure access.

Other matters

9. The appellant states that the Police requested that he erect a boundary fence to improve privacy and security. By further enclosing the space at the front of No 9, the proposal would reduce the opportunity for overlooking from outside the site to some extent and it would contribute to a feeling of safety and security for the appellant. The Framework recognises that planning decisions should aim to achieve places that are safe so that crime and disorder, and a fear of crime, do not undermine the quality of life. LP Policy 3 equally notes that crime prevention and community safety are considerations to be taken into account when assessing development proposals. While these are important considerations in support of the appellant's case, they do not outweigh the significant harm that I have identified.

10. The appellant is critical of the Council's handling of the application and states that it was less than helpful with no alternative plan offered. However, my remit is solely to determine this appeal.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR