

Appeal Decision

Site visit made on 31 January 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022.

Appeal Ref: APP/R4408/D/21/3288840

8 Vicar Crescent, Darfield, Barnsley S73 9LB

- 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 Anthony Foster against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1266, dated 15 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is a boundary wall and fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed boundary wall and fence on the character and appearance of the street scene and its effect on the safety of highway users.

Reasons

Character and appearance

3. The appeal relates to detached property which sits on a bend within Vicar Crescent. This is a suburban crescent where the overwhelming majority of the front boundaries of the properties are defined by low walls, with some reinforced by vegetation. This consistency gives the street scene a pleasant and somewhat open feel.
 4. The proposal seeks to erect a combined wall and fence to an overall height of 1200mm along the boundary with the highway, along with a pedestrian gate and sliding gate for vehicular access. It also includes the introduction of fencing to the front sections of the side boundaries of the property (and the eastern side of the parking bay adjacent to No. 6 Vicar Crescent) at a height of 1800mm.
 5. The wall and fencing proposed to the front boundary is of a height and type which is not commonly found within Vicar Crescent. It would be noticeably taller than the majority of the other walls and fencing within the road and it would appear out of keeping as a result. One element of the proposed 1.8m
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fencing would either replace or supplement a tall wall which runs along the front section of the boundary with No. 10 Vicar Crescent, but the fencing which would be introduced either side of the parking bay adjacent to No. 6 Vicar Crescent would have a further enclosing effect and would harm the open character of the street. The harmful visual effect of the proposed forms of boundary treatment would be exacerbated by the prominent position of the appeal property on a bend in the street scene.

6. For the above reasons, I find that the proposed boundary treatment would harm the character and appearance of the street scene, contrary to policy D1 of the Barnsley Local Plan (LP) which promotes high quality design and development that respects and reinforces local distinctiveness.

Highway safety

7. The appeal property has two points of vehicular access; one at each end of its frontage. The parking space at the north-western end of the frontage is only a short distance from the bend in the highway. The installation of 1.8 metre high fencing along the eastern side of the associated parking space would harmfully reduce the current levels of visibility looking eastwards towards the bend. Given the presence of the tall wall which runs along the front section of the side boundary shared with No. 10 Vicar Crescent, the proposed 1.8 metre fencing in this position would not materially worsen visibility in the southerly direction. Nevertheless, the 1.2 metre tall wall and fencing along the frontage would reduce visibility from the southerly access point in the direction of the bend, which again, is only a short distance away. Furthermore, the proposal would increase the danger for pedestrians, particularly small children, who would be less visible to motorists exiting either access at the appeal property.
8. The Appellant points to the fact that Manual for Streets suggests limited visibility can serve to reduce overall traffic speeds. To my mind, this advice should be taken in the context of comprehensive schemes where traffic calming is at the forefront of the overall design concept. This cannot be said of the appeal proposal and for the above reasons, I find that it would pose an unacceptable risk to users of the highway. In this respect, it conflicts with policy T4 of the LP.

Other considerations

9. The Appellant asserts that the vegetation which previously reinforced the existing low front boundary wall was becoming difficult to manage. Whilst I sympathise with this position, it does not justify a harmful form of development. I am also mindful that this vegetation will have restricted highway visibility to a degree, but it is not present now. In any event, this was beyond planning control.
10. I am aware that boundary treatment up to 1 metre tall could be installed without planning permission. However, I consider that the additional height of the boundary treatment proposed would be materially more harmful in visual terms and it would also cause greater visibility issues, particularly for small children.

Overall Conclusions

11. I conclude that the proposal would unduly harm the character and appearance of the street scene and it would unacceptably increase the safety risk for users of the highway. As such, it conflicts with the development plan policies outlined above.
12. The arguments advanced in favour of the proposal do not outweigh the identified harm and associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR