
Appeal Decision

Site visit made on 31 January 2022

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/X4725/D/21/3288743

73 Aberford Road, Stanley, Wakefield, WF3 4NH

- 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 Amar Kashid against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02852/FUL, dated 23 December 2020, was refused by notice dated 29 September 2021.
 - The development proposed is 'boundary wall'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form, decision notice and appeal form is for a 'boundary wall'. Notwithstanding that description, the submitted plan also shows the layout and elevation details for a pair of gates and the first reason for refusal in the decision notice also refers to the gates.
3. At my site visit, the boundary wall had been constructed and the gates had been installed. The gates are attached to the stone entrance piers by metal hinges and are an integral part of the proposal before me. I have therefore assessed the impact of the gates as part of the appeal scheme. It follows from this that the appeal proposal is retrospective and I have assessed it on that basis.

Main Issues

4. The main issues in this case are the effect of the boundary wall and gates on the character and appearance of the area and the effect on the safety of all highway users.

Reasons

Character and appearance

5. The appeal site is a semi-detached dwelling within the frontage residential development on the north side of Aberford Road. There is considerable variation in the boundary treatments to the road frontage, including timber panel fences set between brick piers, low brick walls and hedges. This, combined with the variety in the dwelling styles and materials contributes to a varied street scene on the north side of the road. Opposite the appeal site, there is a low retaining stone wall along Aberford Road which encloses a

wooded area to the north of the new development at City Fields. The wall is in poor condition with a missing section close to the A6194/Aberford Road junction and a collapsed area further to the west.

6. The boundary wall and piers have been constructed to a height of approximately 2 metres in coursed stone in a predominantly buff colour, but with some darker coloured inserts and a flat coping. They have been built to a good standard. Nos 71 and 75 Aberford Road to either side of the appeal property have timber fences to their front boundaries. Due to the variation in the height and materials of the front boundary treatments in the surrounding area and the stone wall opposite, the appeal scheme does not appear unduly conspicuous or incongruous in the street scene.
7. The gates are approximately 2.4 metres high with a black cast iron frame and composite infill. Due to their position set back from the piers and their dark, recessive colour they do not have an intrusive or jarring appearance in the street scene.
8. For these reasons, I find that the wall and gates are appropriate to the context of the site and do not harm the character and appearance of the area. Accordingly, I find no conflict with Policy D9 of the Wakefield Development Policies document (2009) (DP) in so far as it requires new development to make a positive contribution to the amenity of the locality, including through high quality boundary treatment. I also find no conflict with the advice in the Residential Design Guide Supplementary Planning Document (2018) (SPD) that new boundary treatments should be guided by the predominant type in the locality. The National Planning Policy Framework's provision to secure high quality design as part of sustainable development is also met.

Highway safety

9. The A642 Aberford Road is a classified road with a 30 mph speed limit. It is accessed off the A6194, which serves the City Fields development, via a 'T' junction to the north-east of the appeal dwelling. Aberford Road is a busy arterial route connected to the A650 and A61 to the north of Wakefield. There are waiting restrictions on both sides of the road, with double yellow lines outside the appeal site.
10. There is nothing in the evidence to confirm the visibility distances at the junction of the appeal dwelling's access with Aberford Road. However, it was clear from my site visit that, due to the position and height of the front wall and the layout of the splays, the junction does not meet the visibility standards set out in the Highway Design Guide Supplementary Planning Document (2018) (SPD) which is based on the Manual for Streets¹. The SPD states that consideration should be given to the absence of wide visibility splays at minor accesses/driveways and, in considering whether this would be appropriate, the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway should be taken into account.
11. There is sufficient space within the site to enable vehicles to enter and exit in a forward gear. Aberford Road is straight in both directions with a 1.5 metre wide footway outside the appeal dwelling. At my site visit when exiting the access, oncoming vehicles on the north-east bound carriageway were visible at

¹ Manual for Streets Department for Transport (2007) and Manual for Streets 2 (2010)

sufficient distance to enable me to stop safely to give way to them. Ensuring that vehicles on the south-west bound carriageway are visible at sufficient distance so that right turning movements can be made safely will depend on identifying a gap in the traffic on the north-east bound carriageway, but for the reasons outlined, I consider that this can be safely achieved.

12. Intervisibility between drivers exiting the access and pedestrians is more restricted. However, the number of vehicle movements generated by the occupiers of and visitors to one dwelling is likely to be low. Furthermore, drivers are likely to be familiar with the access and will therefore be likely to exercise caution to ensure that pedestrians and vehicles can be observed at sufficient distance to give way to them when exiting the driveway. Vehicle speeds are restricted by the 30mph limit and due to the waiting restrictions outside the appeal property, visibility will not be impaired by parked vehicles. Overall, having regard to the guidance set out in the SPD and the circumstances of the appeal site, I conclude that the absence of wide visibility splays does not cause material harm to the safety of highway users.
13. The Highway Design Guide SPD also states that gates should be set back at least 5 metres from the back edge of the footway. Although they are inward opening, the gates are approximately 3 metres from the back edge of the footway and 4.5 metres from the edge of the carriageway. If the gates are closed or in the process of opening, a driver entering the access will have to either wait in the road carriageway until they are fully opened, or turn into the entrance and wait for them to open.
14. Vehicles waiting on the road carriageway would cause an obstruction to the free flow of traffic on the north-east bound carriageway and cyclists or drivers behind the waiting vehicle may attempt to manoeuvre around it. This would be likely to lead to conflicting movements with vehicles travelling in the opposite direction, to the detriment of the safety of highway users.
15. Drivers turning into the entrance to wait for the gates to open will obstruct the pavement for a period of time and longer vehicles, such as an estate car, will also overhang into the carriageway. Whilst the frequency of vehicle movements generated by the occupiers of and visitors to one dwelling is likely to be limited, the wait would be inconvenient for and detrimental to the safety of pedestrians, particularly for those with mobility or sight difficulties. Pedestrians may seek to move around the obstruction via the carriageway which would be likely to conflict with other vehicular and cycle movements, leading to situations that would be detrimental to the safety of all users.
16. Whilst the appellant indicates that the gates can be opened remotely by use of a mobile phone, this cannot be guaranteed in every instance, including when there are deliveries or visitors to the property. A planning condition requiring the gates to be open in such instances would be difficult to monitor and enforce. Therefore, it would not meet the tests for conditions in the Planning Practice Guidance (PPG) which require that conditions are enforceable and reasonable. The PPG also states that 'unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable'.
17. I have had regard to the point that the gates in front of other dwellings in the road do not comply with the set-back distance recommended in the SPD. However, I am required to determine this appeal based on the circumstances

of the site and the details of the proposal before me. The lack of compliance in other instances does not justify development that is harmful to highway safety.

18. For these reasons, I conclude that the appeal scheme is harmful to the safety of highway users. The development conflicts with DP Policy D14 in so far as it seeks to ensure the safe and free flow of traffic on the highway network and to provide adequate layout to allow for safe access. There would also be conflict with the SPD guidance that proposals should operate safely and satisfactorily.

Other Matters

19. The Highway Authority indicates that the wall has been constructed on the highway verge which was approximately 3 metres in width. There is nothing in the evidence to confirm when the wall was constructed and the appellant has not served notice on any other owner in Part 11 of the planning application form. I am therefore unable to comment further on this matter which is for the Highway Authority to resolve.

Conclusion

20. Drawing matters together, I have concluded that the boundary wall and gates are not harmful to the character and appearance of the area. However, this does not outweigh the harm to the safety of highway users and the conflict with the development plan in that regard. Whilst I recognise that the appellant wishes to make the dwelling more secure, that does not outweigh the harm I have identified.
21. For the reasons outlined above and having had regard to all other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR