

Appeal Decision

Site visit made on 22 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/J0540/W/21/3282064

1 Newborn Close, Stanground, Peterborough, Cambridgeshire PE2 8NA

- 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 Mrs Wendy Davidson against the decision of Peterborough City Council.
 - The application Ref 21/00668/HHFUL, dated 18 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is the erection of a 1.98 metre fence including concrete gravel board at the base. Fence to be run from edge of bungalow inside garden to edge of boundary (brick wall removed) and fence to run along side of path and to back of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

3. The appeal site is located in a residential area. The appeal site, and the surrounding area can be broadly characterised as featuring low-level boundary treatments adjacent to the highway edge. These follow the boundaries of the site. This gives the vicinity of the appeal site a more open and suburban character.
4. The proposed development would result in an increase in the height of the appeal site's boundary treatments. This would result in an enclosing effect on the street. In result, the open character of the vicinity would be eroded.
5. Furthermore, the proposed development would conflict with the character and appearance of the neighbouring properties, which generally contain low-level brick walls and planting as boundary treatments. In contrast, the proposed development would have a divergent appearance. In summary, the appeal scheme would have a significantly greater height to many of the boundary

treatments in the surrounding area. This would render the proposed development incongruous.

6. This is a concern owing to the prominence of the appeal site. As the appellant's dwelling is located close to the junction between Newborn Close and the nearby Ellwood Close, the proposed boundary treatments would be visible from some distance away.
7. In addition, the proposed development would be sited at the entrance of Newborn Close. As a cul-de-sac, any residents of neighbouring properties, or their visitors, would need to pass the appeal site. This means that the incongruous form of development has the potential to be experienced by a great many people.
8. In result of the proposed development's incongruous form and siting, the proposed development would be readily perceptible and would therefore appear strident.
9. My attention has been drawn to other boundary treatments within the wider area. I do not have the full information regarding the planning circumstances of these, including their location. This lessens the weight that I can attribute to them. Nonetheless, I note that in the immediate surroundings of the appeal site, the character can be defined by the presence of low-level boundary treatments.
10. Therefore, owing to this characteristic being eroded, the proposed development would be injurious to the character and appearance of the surrounding area. Therefore, the presence of boundary treatments elsewhere does not overcome my previous concerns.
11. I understand that a fence of similar proportions to the appeal scheme could be installed at the property under Permitted Development rights. Although this may be the case, the evidence before me indicates that such a fence would be set back from the highway edge. In result, it would not have the same level of prominence as the appeal scheme. Therefore, it would not result in the same adverse effects. In consequence, I do not find that the presence of such a fall-back position sufficient to overcome my previous concerns.
12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policy LP16 of the Peterborough Local Plan (2019) (the Local Plan). Amongst other matters, this seeks to ensure that developments respect the context of the site and surrounding area.

Highway safety

13. The appeal site is located adjacent to Newborn Close. Adjacent to this appeal site is a pavement. The appeal site features a driveway located to the front of the site.
14. The proposed boundary fence would be located directly adjacent to the pavement edge and the edge of the driveway. This means that for the drivers of vehicles looking to leave the appeal site views of oncoming traffic and pedestrians would be obscured.

15. This is a concern as owing to the width of the driveway, some vehicles would need to exit the driveway in a reverse gear given that there would be insufficient room to turn a vehicle and exit the site in a forward gear. This would further reduce the field of vision for the drivers of such vehicles.
16. In addition, the proposed boundary treatment would also obscure views of the appellant's driveway for the drivers of other vehicles using Newborn Close and pedestrians utilising the pavement that runs adjacent to the appeal site. This means that such individuals would not be able to reasonably anticipate vehicles leaving the appeal site.
17. Although I understand that the driveway that was to the rear of the appeal site has been removed, the appeal site is located adjacent to a dropped kerb serving an adjacent site. The proposed development would therefore reduce the visibility for drivers of vehicles leaving the adjacent site.
18. This means that the proposed development increases the risk of collisions between vehicles and, potentially, would result in unsafe conditions for passing pedestrians. In result, the proposed development would result in an erosion of highway safety.
19. It has been suggested that visibility splays could be installed at the appeal site. Although this is not shown on the submitted plans, if the fence were to be installed with visibility splays it would create an irregular shaped fence. This would conflict with the prevailing character of the surrounding area where boundary treatments have a regular proportions and corners. Therefore, a fence of the height proposed, and with such visibility splays, would erode the character of the surrounding area. In consequence, this suggestion does not overcome my previous concerns.
20. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict with the requirements of Policy LP13 of the Local Plan. Amongst other matters, this seeks to ensure that developments include appropriate provision for safe access.

Other Matters

21. I have had regard to the appellant's personal circumstances. Whilst I acknowledge that the proposed development would result in improvements to the appellant's living conditions, I am mindful that, in general, planning decisions should be made in the public interest. Given that I have identified that the proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and highway safety, I therefore find that the improvements to the appellant's living conditions do not outweigh my previous conclusions.
22. The proposed development would result in improved security at the appellant's property. Whilst this is a matter of note, it is only one of all the issues that must be assessed. Therefore, this does not outweigh my previous findings.
23. I understand that the proposed fence would be installed by a professional contractor. However, this does not overcome my conclusions in respect of the main issues.

Conclusion

24. The proposed development would have an adverse effect upon the character and appearance of the surrounding area and would erode highway safety. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR