



Appeal Decision

Site visit made on 30 March 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/F3545/D/22/3290947

58 Caudle Avenue, Lakenheath, IP27 9LG

- 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 Half Acre Developments against the decision of West Suffolk Council.
 - The application Ref DC/21/1635/HH, dated 5 August 2021, was refused by notice dated 1 November 2021.
 - The development proposed is permission to retain side fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form identified that the work had been completed prior to the point at which the application was made. Therefore, the plans submitted with the application are intended to be a representation of what is already there. During my site visit, I noted that the development had taken place, thus making the appeal development retrospective in nature. Nonetheless, the duty upon me is to determine the appeal on the basis of the plans and information that were before the council at the time of its decision, and I have proceeded on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - Highway safety having regard to visibility.

Reasons

Character and appearance

4. The appeal site is a detached single storey dwelling located on a corner of Caudle Avenue. The area is characterised by a mixture of single and two-storey detached dwellings which predominantly have open or low-level front boundaries. As such, the area has a generally open feel which makes a positive contribution to its character.
5. The fence is of close boarded construction and is located along the boundary of the host property directly adjacent to the footpath. Due to the fences' height, length and position along the edge of the property boundary, it appears as a

stark and prominent feature in the street scene. The fences' design, being closes boarded, along with its height at approximately 1.7 metres results in an increased sense of enclosure in this part of Caudle Avenue jarring against the open boundary treatments of nearby properties. As a result, it is an incongruous and discordant feature in an area that has an otherwise open character.

6. The appellant has drawn my attention to other examples of close-boarded fences adjacent to footpaths in the area. However, I have not been provided with any details of how these examples were approved. As such, these examples are afforded limited weight. Whilst I acknowledge the appellant's view that the fence is required for the privacy of the occupants of the host property, I consider the level of incongruity in the street scene and thereby harm to the character of the area outweighs the desire for privacy.
7. In light of the above, I conclude that the development results in harm to the character and appearance of the area. It therefore fails to accord with policies DM2 and DM24 of the adopted West Suffolk Joint Development Management Policies Document (2015) (JDMPD) and policy CS5 of the adopted Forest Heath Core Strategy (2010) which respectively state that all development should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area, that proposals respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area and design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
8. The development also fails to accord with paragraph 134 of the National Planning Policy Framework (NPPF) which states that development that is not well designed should be refused.

Highway safety

9. The appellant has indicated that the host dwellings' driveway entrance is around 10 metres from the apex of the corner. The fence is located directly along the boundary of the host property adjacent to the footpath. Due to the height and position of the fence, it obscures the visibility of vehicles entering this part of the street from the east when vehicles exit the driveway.
10. The reduction in visibility is exacerbated by the host property being located on a corner plot. This limits the available distance from which traffic entering the cul-del-sac can be seen by vehicles exiting the driveway of the host dwelling. The restricted visibility from the driveway is such that there would be a significant potential for collisions to occur as there would be insufficient distance from which vehicles exiting the driveway or manoeuvring could be seen and thereby come to a stop if required.
11. Whilst I note that the appellants driveway has been widened and that vehicle speeds are likely to be low in this part of the residential estate, I consider that the fences' restriction of the intervisibility of vehicles coming around the corner into this part of the street is such that it would be harmful to highway safety.
12. The appellant has indicated that the fence is no less harmful than if the property frontage contained a large van, caravan or tall hedging. However, the

presence of such features in the frontages of dwellings are likely to fall outside the scope of the planning process. As such, I have afforded this very limited weight in reaching my decision.

13. In light of the above, I conclude that the development results in harm to highway safety. As such, it fails to comply with policy DM2 of the JDMPD which states that development should produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
14. The development also fails to accord with paragraph 111 of the NPPF which seeks to restrict development if there would be an unacceptable impact on highway safety.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR