
Appeal Decision

Site visit made on 18 March 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/F4410/W/21/3286916

112 Markham Avenue, Carcroft, Doncaster DN6 8DZ

- 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 Hood against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/02558/FUL, dated 16 August 2021, was refused by notice dated 18 October 2021.
 - The development proposed is erection of a close boarded timber fence 1.9m tall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence that is the subject of this appeal has already been constructed and the planning application was made retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues in this case are the effect of the development on the character and appearance of the street scene, and the effect on the safety of pedestrian and road users.

Reasons

Character and appearance

4. No.112 Markham Avenue (No.112) is a two-storey house that forms one end of a short terrace, linked to its neighbour at No.114 Markham Avenue (No.114) by a garage. The 1.9m close boarded timber fence has been constructed along a low stone wall the full width of the frontage of No.112, and turns the corner extending along the party boundaries with neighbours at No.110 and No.114 Markham Avenue.
5. No.112 is located at a slight bend in Markham Avenue and because of this the fence appears very prominent particularly when travelling south to north on Markham Avenue, splitting the elevation of the attached garages of No.112 and No.114. By reason of its location on the bend and its attached garage, No.112 has a relatively wide frontage and by entirely enclosing the front garden and driveway at a height of 1.9m, the fence appears an unduly dominant and incongruous addition to the street scene.

6. I saw from my site visit that the boundary treatments in Markham Avenue and the wider residential area are varied, and include timber fences, brick and breezeblock walls. Whilst there are examples of varying heights of fences, I found that within the immediate street scene, fences to be lower than 1.9m and the frontages of houses to be typically open, or at least only semi enclosed. Consequently, I find the height and extent of the fencing on the boundaries of No.112 to cause significant harm to the character and appearance of the street scene.
7. The development therefore conflicts with Policies 41 and 44 of the Doncaster Local Plan 2015-2035 (September 2021) (LP) in so far as they require high quality design that contributes to local distinctiveness, responds positively to its context and has plot boundaries appropriate to the area.

Safety

8. There is an existing dropped kerb providing access to the garage and frontage of No.112 and I saw on my site visit a vehicle parked parallel to the house. This access has been enclosed by closed boarded timber gates around 1.9m in height which fill the space between the piers of the existing low stone boundary wall.
9. Part B.1.1.31 of the *South Yorkshire Residential Design Guide 2011* (January 2011) states that '*visibility splays of 2.0 x 2.0 metres may be required where a private (3.3 metres) drive joins the back of the footway in the interests of pedestrian safety. These should be kept clear of obstructions over 900mm in height.*' The guidance however recognises that the design of visibility splays should take into account the frequency of vehicle movements, amount of pedestrian activity and width of the footway.
10. The construction of the gates means that they slightly lean over the footway causing a minor obstruction. However, once open, there would be a good degree of visibility in both directions for a vehicle accessing/egressing. Further, I found Markham Avenue a quiet residential area where I observed cars moving at low speed and where vehicles manoeuvring from driveways and within the road is expected, and extra care therein taken.
11. I note that the guidance in the Council's *Development Guidance and Requirements: Supplementary Planning Document (July 2015)* is that boundary treatment proposals should remain low, i.e. 0.8m-1.2m to meet the visibility requirements for vehicle access and driveways. The guidance is, however, just that and I also note that planning permission has previously been granted here for a 1.5m fence albeit, as I understand, of a different design.
12. For the reasons given, I find that the fence would not unduly put the safety of either pedestrians or road users at risk. Consequently, there would be no conflict with LP Policy 13 because the development would not result in an unacceptable impact on highway safety.

Other Matters

13. I understand the concerns raised by the appellant in respect of security and the need for the family dog to be enclosed at the front of the house. I also acknowledge the endeavours that the appellant has made to find a solution that is acceptable to the Council. However, in this case, I do not find these other matters are sufficient to outweigh the significant harm that I have found

to the character and appearance of the street scene and the conflict with the development plan.

Conclusions

14. Notwithstanding my conclusion in respect of the safety of pedestrians and road users, I nonetheless find the fence to cause significant harm to the character and appearance of the street scene. Therefore, for the reasons given above, the appeal is dismissed.

R Jones

INSPECTOR