
Appeal Decision

Site visit made on 12 May 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th May 2022

Appeal Ref: APP/F2415/D/22/3295266

4 Lubenham Hill, Market Harborough LE16 9DQ

- 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 Robert Gilbert against the decision of Harborough District Council.
 - The application Ref 21/02080/FUL, dated 29 November 2021, was refused by notice dated 21 January 2022.
 - The development is described as the erection of boundary fence.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. While the appellant has described the development sought as in the above heading, the Council has additionally referred to a gate. From my inspection of the plan, I consider that the Council's description more accurately reflects the development sought. I have assessed the appeal scheme on that basis.
3. The fence and gate in question are in place, and these appear to have been erected broadly in accordance with the submitted plan.
4. I have dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Main issues

5. The main issues are the effect of the fence and gate on the character and appearance of the local area and on highway safety for users of Lubenham Hill.

Reasons

Character and appearance

6. The appeal property is a semi-detached dwelling that occupies a prominent plot facing Lubenham Hill within a predominantly residential area. Near the site, Lubenham Hill and Coventry Road are tree-lined with grass verges on each side of the highway. Buildings close to the site are, for the most part, set back from these roads behind gardens and driveways with their highway frontages marked by hedgerows of varying height, open driveways, fences, walls and gates, many of which are low-level. Together, these features give the street

¹ Ref APP/F2415/D/22/3296582

scene to which No 4 belongs a spacious, largely informal and verdant character, which is locally distinctive.

7. The solid form and considerable length of the timber fence and gate, when closed, means that they form a significant and prominent feature when seen from the adjacent highways. Notwithstanding its position, set back from the footway and slightly below the level of the main carriageway, the fence in particular draws the eye as a rather stark, solid and formal barrier. Its visual impact is greater than the fence it replaced that, while similar in style and colour, was lower and extended across only part of the site's highway frontage with an established hedgerow along the remainder.
8. The presence of the fence and gate in the street scene markedly contrasts with the more low-key and informal appearance of the boundary treatments that characterise the frontage of other properties along Lubenham Hill and Coventry Road close to the site. That impression is most pronounced along Welland Park Road and Coventry Road on the immediate approach to their junction with Lubenham Hill. From each of these highways, the fence and gate, when closed, appear incongruous in their context and, to my mind, have a deleterious effect on the character and appearance of the local area.
9. Tall close-boarded fencing and solid gates mark the boundaries to some other properties further along Lubenham Hill including those to which the main parties have referred and provided photographs. However, these cases do not reflect the prevailing character of boundary treatment along that part of Lubenham Hill of which the site forms part. In some instances, the examples exemplify the harm to which I have referred.
10. I also saw that some properties that back onto Welland Park Road on its immediate approach to Lubenham Hill include tall brick walls and close boarded timber fences. However, these features mark the rear boundary to existing properties and are seen in the streetscape as a firm physical edge to the built up area. The appeal fence is similar in style to the existing fence along the highway frontage of 2 Lubenham Hill. However, the boundary fence of this attached property is weathered, slightly lower and partly stands on a brick wall with vegetation beyond, all of which subdue and visually soften its appearance compared to the appeal fence. I recognise that the fence and gate in question will also weather over time that will also subdue their appearance when seen from the road. However, that process will take some time to take full effect and it would not overcome the significant harm caused in the interim.
11. On the first main issue, I conclude that the development causes significant harm to the character and appearance of the local area. As such, it is contrary to Policy GD8 of the Harborough Local Plan 2011–2031. This policy aims to ensure that development respects the context and characteristics of the individual site, the street scene and the local environment. These principles underpin the guidance within the Council's Development management Supplementary Planning Document, with which the development conflicts. It is also at odds with the National Planning Policy Framework (the Framework), which aims to make sure that development is sympathetic to local character and adds to the overall quality of the area.

Highway safety

12. Driver visibility is restricted to the west on exiting the site by a tall hedgerow that marks the front boundary to the property next to No 4. This hedgerow

also obscures views of a vehicle exiting the site for oncoming footway users from the west. As this hedgerow falls outside the site, Leicestershire County Council, as Highway Authority, considers that its requirement for pedestrian visibility at the site's access cannot be met.

13. Some highway users would be aware of the need to be vigilant for vehicles entering and exiting front gardens given the presence of dropped kerbs and driveways along this section of Lubenham Hill. However, others may not. The considerable width of the footway on either side of the site would provide sufficient space for pedestrians and cyclists to stop a little distance away from a vehicle emerging from the site. Even so, the wide footway in front of the site might also encourage a driver to exit the site quicker than footway users might normally expect, possibly catching some people by surprise. That possibility poses an unacceptable risk to highway safety, which could be resolved if the site's access were to be relocated further away from the adjacent hedgerow.
14. The HA also raises concern that the gate is not set back by at least 5m from the highway boundary. If a vehicle stops and the driver waits on the adjacent footway or carriageway for the gate to be opened, the parked vehicle may cause an obstruction to other road or footway users. However, there is ample space on the footway adjacent to the site for a vehicle to pull off the main carriageway and wait for the gate to be opened, which would be in full view of approaching pedestrians and cyclists. In those circumstances, I doubt that the development would significantly add to highway danger in this respect.
15. Nevertheless, on the second main issue, I conclude that the development has an unacceptable effect on highway safety for footway users of Lubenham Hill. Accordingly, it conflicts with LP Policies IN2 and GD8 insofar as they seek to ensure safe access to development having regard to the highway authority guidance and standards. It is also at odds with the Framework, which states that development should achieve safe and suitable access for all users.

Other matters

16. By establishing a physical barrier to enclose the front of the property, I recognise that the fence and gate have enhanced a sense of security and privacy for the appellant and his extended family than was previously the case. These features have created a safer outdoor space for children to play and for pets than when the previous boundary hedgerow and fence were in place. I am sympathetic to these matters especially given that the instances of burglary to which the appellant has referred that will have been unsettling. The Framework states that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life.
17. I also note that the fence and gate have successfully addressed earlier problems of litter and waste discarded into the front garden of No 4 and provided an effective screen to reduce the noise from passing traffic and the glare from vehicle lights. However, these matters, taken individually and combined, do not outweigh the significant harm that I have identified in relation to the main issues.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane INSPECTOR