



Appeal Decision

Site visit made on 1 August 2022

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/P0240/W/22/3299459

8 Garfield, Langford, Biggleswade, SG18 9NG

- 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 Andrew Bromley against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/00001/FULL, dated 4 December 2021, was refused by notice dated 26 April 2022.
 - The development is erection of new fence to the side of property (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development used in the decision notice, which varies slightly from that on the application form, for the purposes of clarity.
3. The fence has been erected and therefore I am therefore considering this appeal retrospectively.

Main Issues

4. The main issues are as follows:
 - The effect on the character and appearance of the area, and
 - The effect on highway safety.

Reasons

Character and Appearance

5. Garfield is a modern housing development of relatively high density, detached, semi-detached, terraced and mews homes located to the northern side of the village of Langford.
6. The development is characterised by 2 and 3 storey homes arranged along the back of pedestrian footways with generally very small front garden areas which gives a strong sense of enclosure to the streets within it.
7. Small pockets of landscaping through the development break up the built form and soften it. These appear as side gardens, landscaped verges and hedgerow

- planting. From the officer's report, it appears these features were deliberately designed into the original approved scheme.
8. No8 (the appeal property) is a detached family home with a small L shaped rear garden. It appears to have very little separation between the rear 'outrigger' of No8 and its neighbour to the rear (No9).
 9. No9 is a mews property which has its own garage and driveway access directly adjoining the new fence line to the rear garden of No8.
 10. The new fence replaces a previous fence which was originally sited further into the rear garden of No8. The appellant erected the new fence in order to improve the area of 'useable' rear garden encompassing land within their ownership.
 11. Policy HQ1 (High Quality Development) of the Central Bedfordshire Local Plan (2021) (LP) seeks, amongst other things, development that reinforces a sense of place, high urban design quality and positively contributes to the character of an area. Policy HQ1 also references the Central Bedfordshire Design Guide (2014) (SPD) which provides more detailed guidance for householders on proposed development. Further, Section 12 of the Framework (Achieving well-designed places) supports development which contributes to good design.
 12. The enlargement of the garden would benefit the appellant and the needs of his family, particularly considering the limited size of the original garden. The loss of this 'pocket' of amenity space is relatively small.
 13. In this respect, whilst I do find some harm to the character and appearance of the area, it would not be, in my view, of a scale sufficient to warrant a refusal in its own right.
 14. I therefore do not consider the new fence would be contrary to Policy HQ1 of the LP, nor the aims and objectives of the SPD or relevant parts of the Framework.
- Highway Safety*
15. I noted at the site visit that Garfield is a residential street with restricted vehicle speeds of 20mph. Further, the layout of the carriageway and 'enclosure' of the streets has also been designed to limit vehicle speeds through the development.
 16. I note from the officer's report that No9 Garfield originally had a driver/pedestrian intervisibility splay of 1.8m x 1.8m to the south of the garage access and a driver/driver intervisibility splay to the south, of 2.4m x 19.0m. This is already below the required standard of 2.4m x 25.0m for a carriageway with a 20mph speed limit.
 17. The Framework at paragraph 111 sets out that development '*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*'. Further, at paragraph 112 (c), the Framework states that development should '*create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*'.

18. It was clear to me from the site visit that the fence line now obscures visibility for vehicles and pedestrians at No9. Notwithstanding the lower vehicle speeds, there remains the potential for vehicle and pedestrian conflict.
19. I am not aware of any alternative schemes discussed between the parties that would potentially allow an acceptable improvement to visibility for pedestrians and vehicles whilst still allowing an enlargement of the rear garden to No8. I have also considered whether there is any potential for a planning condition to be imposed which could remedy this matter.
20. However, I must determine the appeal scheme before me and I consider there to be an unacceptable highway safety impact on both vehicles and pedestrians, contrary to paragraphs 111 and 112 of the Framework, based on the submitted proposals.

Conclusions

21. For the reasons given and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR