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# Appeal Decision

Site visit made on 13 July 2022

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 August 2022**

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**Appeal Ref: APP/E0915/D/22/3298144**

**20 Jennet Croft, Wetheral CA4 8JJ**

- 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 Fuller against the decision of Carlisle City Council.
  - The application Ref 21/0996, dated 20 October 2021, was refused by notice dated 18 March 2022.
  - The development proposed is erection of 1.8 metre high fence.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have used the description of the proposal from the Council's decision notice as it more accurately defines the development. Since the development has been carried out, retrospective planning permission is sought. I have determined the appeal accordingly.

## Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the area, and highway safety, for pedestrians and vehicle users.

## Reasons

### *Character and Appearance*

4. The appeal site relates to a dwelling located on a generous and prominent corner plot at the entrance to a small cul-de-sac of similarly designed houses. The majority of the front boundary treatments along Jennet Croft are comprised of low boundary walls, fences, railings or hedging. This allows for views across the front garden areas of the houses, creating a sense of spaciousness that contributes positively to the character of the area.
5. The Council has referred me to the Achieving Well Designed Housing Supplementary Planning Document (SPD) 2011. The SPD advises that close boarded fencing should not be used on boundaries fronting the public highway.
6. The fence is partially visible from the main road and it is readily seen within Jennet Croft. Due to its position, height and length on land above Jennet Croft, the development has introduced a dominant and hard form of enclosure that is at odds with the spacious character of the street scene. The fence contrasts starkly with the low-level front boundary treatments at neighbouring houses,

appearing as an obtrusive feature within the street scene. I saw that 1 and 19 Jennet Croft also occupy corner plots where the enclosure of side gardens with similar fencing, would have a further cumulative and detrimental impact on the character and appearance of the area.

7. The appellant wishes to enclose their rear garden to enhance their privacy when using it for recreational purposes. Whilst I have taken account of this consideration, I am not convinced that the fence in the height, position and form erected, is the only way of achieving this. It is likely that there are alternative forms and positions of boundary treatment that would meet these objectives, whilst better complementing the character of Jennet Croft.
8. The appellant considers that setting the fence away from the boundary with Jennet Croft would reduce the amount of private rear garden and provide a strip of land that would become unsightly. However, it would not reduce the level of outdoor space to an unreasonable degree and a good sized rear garden would remain.
9. The lack of objections from members of the public is a neutral factor that weighs neither against, nor in favour of the development. Whilst the fence may not impact on neighbouring properties, this does not justify development that would be harmful to the character of the area.
10. I am referred to fences considered comparable to the appeal development. I saw that the majority of fences on Croft Park were formed by low close boarded or picket style fences, one fence at the end of the cul-de-sac being an exception. I have limited evidence of the fences depicted in the submitted photographs, including whether they have planning permission and were permitted under the same planning policies. However, none of them are viewed in the context of the appeal site and I cannot draw any comparisons. Irrespective of this, the existence of other fences within the wider locality, does not justify development that fails to take account of its specific context.
11. The development has an adverse impact on the character and appearance of the area and conflicts with criterion 5 of Policy HO8 and criterion 1-3 of Policy SP6 of the Carlisle District Local Plan (2016), which seek to ensure that new development responds to local context, maintaining the established character and pattern of the street scene, as well as being a positive addition. It would also conflict with the guidance contained in the SPD and paragraph 130 of the National Planning Policy Framework (the Framework) which requires new development to be visually sympathetic to the surrounding built environment.

### *Highway Safety*

12. The Cumbria Development Design Guide (Design Guide) 2017 requires visibility splays of 2m by 2m to be provided from a private access onto an adopted highway. The fence amounts to new development which impedes visibility to the left-hand side of the driveway to 20 Jennet Croft. Third party land exists to the right. Full compliance with the Design Guide requirements would not therefore be possible.
13. Jennet Croft is a lightly trafficked cul-de-sac, where vehicle speeds are typically low due to the road layout. Conflict with pedestrians and vehicles is unlikely to be significant as a result. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an

unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Given the specific context of the appeal site, the impact on the nearby road network cannot be said to be severe.

14. The development does not give rise to an adverse effect on highway safety, for pedestrians or vehicle users. In this regard, it would comply with paragraph 111 of the Framework, which seeks to prevent an unacceptable impact upon highway safety.

### **Other Matters**

15. Concerns have been raised in respect of the time taken by the Council to issue their decision, and the alleged insufficient consideration of the impact on the appellant. This is a matter between the appellant and the Council and is not relevant to my decision.

### **Conclusion**

16. I have found that the fence would not have an adverse effect upon highway safety. Nevertheless, this matter does not outweigh my findings in respect of the effect of the proposed development on the character and appearance of the area. For the reasons set out above and having regard to the development plan as a whole and all other relevant considerations, the appeal is dismissed.

*M Clowes*

INSPECTOR