



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: 17 August 2022.

Appeal A Ref: APP/K0235/W/22/3291582

62 Folkes Road Wootton Bedford MK43 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Dr Giamal Sager against Bedford Borough Council.
- The application Ref 21/0318/FUL is dated 15 November 2021.
- The development proposed is relocation of fence.

Appeal B Ref: APP/K0235/W/21/3286590

62 Folkes Road Wootton Bedford MK43 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Dr Giamal Sager against Bedford Borough Council.
 - The application Ref PP-09497321 is dated 7 February 2021.
 - The development proposed is relocation of fence and new electric gates.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs related to Appeal A was made by Dr Giamal Sager against Bedford Council. This application is the subject of a separate Decision.

Procedural Matter

4. As set out above there are two appeals on this site. They differ in that one (Appeal B) includes electric gates. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals together, except where otherwise indicated.
5. The appeal form for Appeal B indicates that a decision was issued for the application, but later states that the appeal is against the failure of the council to determine the application. I have dealt with the appeal on the basis of a failure to determine as no decision notice has been supplied and the council in their submission indicate that no decision was made.
6. The description of development as shown on the application forms in both cases includes detail that is not necessary. I have therefore amended the

description of development to reflect what is stated in the officer reports. This includes only those elements which require permission, for precision.

7. It appears that there is some debate as to whether the appellant controls all of the land within the submitted red line boundary. An appellant does not have to own a site to seek planning permission. Even if it is the case that not all of the land within the red line boundary is under the control of the appellant, I consider that any problems associated with this could be dealt with under legislation dealing with private legal rights regarding land ownership.

Main Issue

8. Based on the council's putative reasons for refusal in the officer's statements, I consider the main issues to be as follows:

Appeals A and B:

- The effect of the appeal proposals on the character and appearance of the area.
- The effect of the appeal proposals on highway safety.

Appeal B:

- The effect of the appeal proposals on car parking levels.

Reasons

Character and Appearance

9. The appeal property, No 62 Folkes Road is a detached, two storey house with landscaped side gardens planted with shrubs, private rear gardens enclosed by a timber fence and a front garden enclosed by a hedge.
10. Folkes Road forms part of a large, planned modern housing development. The area around No 62 has a pleasant, open character, overlooking a linear area of parkland which frames a sustainable drainage system which is landscaped. Three other similar properties are arranged around the open space, which provides an attractive focal point to this part of the development.
11. The rear of No 62 is served by driveway access for two cars and a double garage, accessed via a paved shared private drive from Hide Close which serves four other properties.
12. Policy 28S (Place Making) of the Bedford Local Plan (2020) (LP) sets out that development is expected to make a positive contribution to the character of its surroundings. Policy 29 (Design Quality and Principles) of the LP explains that all new development should enhance the distinctiveness and the sense of place of an area. Policy 30 (Impact of Developments – Design Impacts) seeks development that takes account of its surroundings, avoiding overdevelopment and ensuring the reinforcement of local distinctiveness.
13. The level of additional enclosure proposed would result in the removal of a landscaped area of side garden and a hard edge being erected along the boundary of the appeal property that would be significantly higher than any other boundary treatment in the vicinity.

14. The effect of the fence would result in the loss of the softening effect of the landscaping.
15. In respect of Appeal B, I find that the 2m high electric gate would also harm the character further as a result of its height and materials, which are not a characteristic of the development. I did not observe any gated driveways within the vicinity of the appeal site at the site visit.
16. Overall, it is my view that the erection of the proposed fence (Appeals A and B) and electric gates (Appeal B) would undermine the character and appearance of the area through the introduction of such a harmful feature, contrary to Policies 28S, 29 and 30 of the LP.

Highway Safety

17. I note from the officer's report that the requirement for such fences between the edge of the highway and garden would be a maximum of 1.8m x 1.8m x a maximum of 0.6m height. It also describes that a pedestrian visibility splay should be maintained from the edge of the driveway to the back of the highway in order to ensure pedestrians can see moving vehicles on the driveway and vice-versa. The current fence line enables adequate visibility for pedestrians and vehicles at the moment.
18. Policy 31 (The impact of development – access impacts) of the LP requires that development proposals should not have any significant adverse impact on access to the public highway. Further, 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*'.
19. I would expect vehicle speeds along Hide Close to be relatively low, but the proposed fence at 2m high would in my view create conflict between vehicles emerging from the driveway and pedestrians/other vehicles moving along Hide Close. Consequently, the proposed development would have an adverse impact on highway safety contrary to Policy 31 of the LP and Paragraphs 111 and 112 of the Framework.

Car Parking

20. Whilst I note the proposed electric gates associated with Appeal B would have a segmented/panelled design enabling them to 'slide' around the fence line on opening, it appears to me that the resulting vehicle driveway access would become restricted to a maximum of 6m. This is below the expectations set out in the Bedford Borough Council's 'Parking Standards for Sustainable Communities: Design and Good Practice 2014' SPD, where access for pedestrians and cyclists moving from the road to the garage/rear garden would need to be factored in when there are two cars parked alongside one another. The SPD sets out that a minimum 3.6m space width should be accommodated for each car to allow for the opening of car doors.
21. Policy 31 of the LP also requires that development proposals should not have any significant adverse impact on access to the public highway, referring to a number of considerations, including car parking.

22. I note that 3 spaces are required for 4 bedroomed dwellings and that the double garage is counted by the highway authority as a single space.
23. It is my view that the narrowing of the driveway opening would result in greater difficulty fitting two cars comfortably onto the driveway, leading to a greater likelihood that some cars would be displaced into the adjacent visitor space, which was a requirement as part of the overall parking ratio requirement in the original planned scheme. This would result in a reduction of the availability of visitor parking, contrary to Policy 31 and the relevant parts of the SPD.

Other Matters

24. In respect of Appeal B, the appellant has pointed out in his submissions that he would be flexible as to the fence design, provided it would 'slide' open. I have considered whether a planning condition could allow the appellant to negotiate the final design, but as I have found harm principally from the height of the fence and gate, I do not consider there would be any merit in doing this.

Conclusions

25. I have found that the fence proposed in Appeal A and Appeal B would cause unacceptable harm to the character and appearance of the area and would result in conflict with pedestrians and vehicles.
26. I have also found that in respect of Appeal B the proposal would have an unacceptably harmful effect as a result of inadequate parking provision.
27. For the reasons set out above and having regard to all other matters raised I conclude that both Appeal A and Appeal B should not succeed.

Sian Griffiths

INSPECTOR