



Appeal Decision

Site visit made on 6 September 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2022

Appeal Ref: APP/P0240/W/22/3293221

40 Wallis Drive, Leighton Buzzard LU7 3GD

- 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 Thomas Prescott against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03962/FULL, dated 30 August 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the change the use of the land from public amenity space to garden (residential) amenity space and erection of a two-metre high fence with concrete posts. Set the fence 2.5 metres back from the road frontage (boundary line).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of an open area to the side of the appellant's dwelling. The surrounding area is predominantly residential in nature. Most dwellings are set back from the highway edge. Boundary treatments in the surrounding area typically comprise railings and hedges. However, some boundaries do not feature any built structures as treatment. These factors, when combined, give the appeal site a more open and suburban character.
4. The surrounding area has a more open character, even though some of this land is in private ownership. Therefore, the proposed development would create an enclosing effect on the surrounding area by reason of the proposed boundary treatment's height and proximity to the road. In consequence, the proposed development would conflict with the predominantly open character that is a feature of the vicinity.
5. In addition, the proposed development would appear incongruous given that the relative infrequency of fences towards the front of properties as boundary treatments in the surrounding area. In consequence, the proposed development would give the appeal site and its surroundings a more urbanised character, which would erode the prevailing appearance.
6. This is a concern given the relative prominence of the appeal site. Owing to the topography of the surrounding area and the general open character of the vicinity, the proposed fence would be readily perceptible from some distance

away. This would include some views from the nearby Ramsay Drive as well as views from the road identified on the submitted plans as the A4012.

7. The result of this is that the proposed development would be a strident addition to the vicinity given that it has the potential to be experienced by a great number of people.
8. The appellant has proposed that the fence be set back from the highway edge. Whilst this is a matter of note, the overall distance of the set back would be relatively small. In consequence, the proposed development would be readily perceptible when viewed from the surrounding area. In result, the set back of the proposed fence would not overcome my previous concerns.
9. Although there are some fences in the surrounding area, these are generally set back from the highway edge by a distance significantly greater than the appeal proposal. Such fences are also readily screened by existing buildings. Therefore, they do have the same level of prominence as the proposed development would have. In consequence, these do not allow me to disregard my previous concerns.
10. The vicinity of the appeal site features some car parking areas. However, even when these spaces are occupied the effects on the character and appearance of the surrounding area would not be the same as the proposed development given the positioning of the appeal site and the more temporary nature of parked vehicles.
11. The appeal site features some landscaping. However, this is relatively immature. Therefore, there is a likelihood that as the landscaping grows, it would form a greater barrier to prevent unauthorised access. In consequence, the lack of physical structures, which may currently allow for unauthorised access, does not overcome my previous concerns.
12. The appellant's dwelling is next to a vacant site. However, it has not been conclusively demonstrated that this would not be developed without a comparable level of landscaping and openness. Therefore, the nature of the adjoining site does not outweigh the breaches of the Development Plan, from which harm would emanate.
13. The proposed development would result in improved living conditions for the appellant and their family owing to the creation of a larger private garden. Whilst this is a matter of note, it is one of all the matters that must be considered and therefore does not outweigh my previous findings.
14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with HQ1 of the Central Bedfordshire Local Plan (2021) and the Central Bedfordshire Design Guide (2014). Amongst other matters, these seek to ensure that new developments take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place; and should relate well to the character and context of their surrounding area.

Conclusion

15. The proposed development would have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict

with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR