



Appeal Decision

Site visit made on 20 September 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/P0240/W/21/3288201

1A Windsor Way, Sandy SG19 1JL

- 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 J Cooper against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00082/FULL, dated 26 January 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as the “erection of a boundary wall as a means of enclosure at the frontage of the property (retrospective)”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The wall and gates have been erected and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of the area; and (b) highway safety with regard to sight lines and the free flow of traffic.

Reasons

Character and Appearance

4. Windsor Way comprises a narrow, winding residential street with pavements and grass verges to either side of the road. Dwellings typically front the highway and are set back from the road by a garden/off-street parking area.
5. The wall and piers at the appeal site are constructed of brick of an assortment of colours, with the piers of a taller height than the wall and topped with decorative stone copings. Across the entrance of the driveway is a set of double gates that are similar in height to the wall. The wall and gates abut the grass verge and pavement to the front boundary and enclose the front garden of the host dwelling.
6. Boundary treatments along the roadside vary, but predominantly comprise low level brick walls and hedgerows which provide a sense of openness and contribute positively to the attractive character of the street. The scale, siting and materials of the wall, piers and gates with the additional decorative elements, appear overbearing, cramped and prominent within the street, reducing the spacious character of the area. They are also incongruous and in

stark contrast to the predominant boundary treatments along the road. They are also highly visible when viewed from St Neots Road due to their scale and materials, which is further exacerbated by their positioning along the bend, which increases their prominence. This is supported by the appellant who accepts that the wall, as it currently stands, is obtrusive, and requires landscaping to soften its impact.

7. The appellant proposes to plant a low-level hedge in front of the wall, which they would maintain at a height of less than 1m so that it would not impede vehicle visibility. However, the planting would occur on the grass verge that is within the public highway and outside the appeal site. Therefore, if I were to allow the appeal, there is no mechanism to condition such landscaping to be undertaken or retained. Furthermore, the limited height of such landscaping would not effectively screen or soften the development.
8. My attention has been drawn to examples of other fences and walls in the area. However, these mainly enclosed rear gardens or comprised simple closed boarded fences or walls in muted tones with no decorative detailing, and of a lower height than the development at the appeal site. The examples are therefore not directly comparable to the appeal proposal and are infrequent. The predominant boundary treatments in the surrounding area consist of low-level brick walls and hedgerows. Furthermore, the presence of these examples is not a reason to allow other non-compliant developments that harm the character and appearance of the street.
9. The previous wall and gate, due to its low height, conformed with the predominant boundary treatment within the surrounding area and contributed to the open character of the road. This is in sharp contrast to the existing development.
10. The development harms the character and appearance of the area, and as such, is contrary to Policy HQ1 of the Central Bedfordshire Local Plan, adopted 2021 (LP). This policy seeks, amongst other things, to ensure that the size, scale, massing, materials and appearance of developments relate well to the existing local surroundings and reinforce local distinctiveness. In addition, the development is contrary to Section 12 of the National Planning Policy Framework that, amongst other things, seeks to ensure that developments are sympathetic to local character and are visually attractive.

Highway Safety

11. The appellant states within their appeal statement that the gates open inwards into the site. However, during my site visit I witnessed that the gates opened outwards over the pavement. I have therefore determined the appeal on this basis.
12. The wall and piers abut the grass verge to the front of the appeal site. The front garden of the host dwelling is used for off-street parking. The outward opening gates would cause an obstruction to pedestrians, as they would extend across the pavement when open. However, a condition could be imposed regarding the opening direction of the gates.
13. The siting of the gates, 4m from the nearside kerb, is not sufficient to allow a vehicle to pull clear of the highway whilst the gates are opened. Windsor Way, between the junction of St Neots Road and Glebe Road is subject to double

yellow lines along both sides that prevent the parking of vehicles on a narrow and curving road that provides access to a number of dwellings on the surrounding streets. At the time of my site visit, the road was frequently used by vehicles going to and from St Neots Road. The presence of double yellow lines and the narrowness of the road would prevent a vehicle from safely parking on Windsor Way whilst the gates were opened, would result in an obstruction to other highway users, and would impede the free flow of traffic.

14. Amendments to set the gates back a minimum of 5m from the nearside kerb and for the gates to open inwards into the appeal site may overcome the issue of vehicles waiting on the public highway. However, there is no scheme before me showing the gates set back further from the road and I cannot be certain what the implications of such a change would be. Therefore, a condition requiring this would not be reasonable.
15. The evidence clearly shows a low-level wall and pedestrian gate existed prior to the construction of the existing development however, it is inconclusive whether a gate was positioned across the vehicle access.
16. The development unacceptably harms highway safety and conflicts with Policy T2 of the LP that, amongst other things, requires developments to provide a safe and convenient access, does not impede the free flow of traffic on the existing network, or create hazards to that traffic or other road users. Policy T3 of the LP is not of relevance to the determination of this appeal, as it refers to parking.

Other Matters

17. The development has been subject to an enforcement appeal¹ that requires the gates and wall to be reduced in height to a maximum of one metre to reflect the permitted development rights available². This is a genuine fallback position should this appeal be unsuccessful. However, a wall and gates of a maximum height of one metre would not have the same prominence or dominance as the existing development and would not cause the same level of harm to the character and appearance of the area or highway safety that I have identified. I therefore attach limited weight to this matter.
18. I note support for both the development and the appellants from third parties, however, this does not overcome the harm I have identified in respect of the main issues. The development is considered to assist with the security and privacy of the appellants and their dwelling. However, it has not been demonstrated that other types of boundary treatment or security measures, with less harm to the character and appearance of the area, cannot achieve the same benefits. I therefore attach limited weight to these matters.
19. The development would not cause harm to the living conditions of the occupiers of neighbouring properties. Nonetheless, this is a neutral matter.

¹ APP/P0240/C/21/3268126

² Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015

Conclusion

20. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

A Berry

INSPECTOR