



Appeal Decision

Site visit made on 5 April 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/X3540/D/23/3316037

65 Chatsworth Drive, Rushmere St Andrew, Ipswich IP4 5XA

- 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 Ben Jennings against the decision of East Suffolk Council.
 - The application Ref DC/22/4403/FUL, dated 7 November 2022, was refused by notice dated 6 January 2023.
 - The proposed development is the erection of a boundary fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact on (a) the character and appearance of the street scene and (b) highway safety.

Reasons

3. The appeal site consists of a semi-detached property which is located on a corner in a bend in the road along the main Chatsworth Drive where it becomes Claverton Way. It lies within a modern, open plan estate, characterised by both small and large expanses of grass verge and street trees with front gardens generally open or enclosed by hedging. However, there are a number of side boundaries fronting the main part of Chatsworth Drive, along which the appeal site is located, enclosed by high walls or timber fencing which abut the pavement edge.
4. The existing boundary wall which encloses the rear garden of the property is set back from the pavement edge of Claverton Way by around a metre. A short section fronting Chatsworth Road, though set some distance back from it, running at right angles from the side boundary towards the side of the dwelling had been taken down / collapsed. The Appellant states that it was blown down / damaged in a storm. At the time of my site visit the fence had not been erected though the Council's decision notice refers to the fence 'as built'.

Character and appearance

5. The Appellant proposes to replace the whole wall with a new fence that would abut the pavement edge along Claverton Way, suggesting that it would not be feasible to locate it in the same position as the existing wall due to the difficulty of removing the footings. Given the existing layout of the area, with occasional fences and walls that abut the main road and taking into account the relatively

short length of fence proposed, I do not consider that it would be out of keeping with the established character of the area.

6. The Council suggests that it would create a 'tunnelling' effect within the street at this point. Whilst I agree that the new fence would be more prominent and note that there is a short section of wall on the opposite side of the road, I do not consider that the effect would be such as to harmfully detract from the street scene in the way suggested given that the large open plan front garden area of the property would remain and the open front garden areas to the south along Claverton Way would remain visible within the wider street scene.
7. I therefore find that the proposed fence would not be harmful to the character and appearance of the street scene and would thus comply with Policy SCLP11.1 of the Suffolk Coastal Local Plan (2020) (SCLP) which seeks, amongst other things, locally distinctive and high-quality design that demonstrates an understanding of local character and distinctiveness.

Highway safety

8. There is a garage and parking space located to the rear of the property accessed off Claverton Way located immediately to the south of the existing wall. The Highway Authority contends that the fence would severely impact on the visibility splays of this vehicular access which is already sub-standard. I agree that this would be the case as currently the set-back position of the wall allows for cars exiting from the parking space to be seen by both approaching vehicles and pedestrians. The proposed position of the new fence would significantly reduce the available visibility in this corner location.
9. The Appellant has provided a plan which shows a revised location for the fence which would allow for improved visibility at the northern end of the site. However, that does not appear to alter the proposed position of the fence at the southern end of the site adjacent to the property's parking space. Thus, there would be no change to the effect on the visibility in this respect which would remain unacceptably harmful.
10. I find that the proposal would have an unacceptably harmful impact on highway safety as a result. This would be in conflict with paragraph 111 of the National Planning Policy Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. It seems to me that there would also be conflict with SCLP Policy SCLP11.1(h) which seeks to ensure that proposals prioritise safe and convenient pedestrian and cycle movement.

Conclusions

11. The Appellant contends that it is not possible to replace the damaged wall in its current position due to costs; in addition, it is argued that the grass verge requires regular clearing of litter and dog mess and gets damaged and ruined. However, whilst acknowledging these matters, they are not sufficient to outweigh the harm that would arise as identified above.
12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR