



Appeal Decision

Site visit made on 1 August 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/J2373/D/23/3319257

112A Neville Avenue, Thornton-Cleveleys, Blackpool FY5 3RF

- 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 Peter Loeben against the decision of Blackpool Council.
 - The application Ref 22/0887, dated 13 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is described as: "Would like to get planning permission for 2 meter fencing to enclose the front of my garden which is for a detached property."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the application form in the banner heading above. However, it is described in the Council's decision notice as erection of front and side boundary fencing up to 1.8m high, which is consistent with the dimensions on the plans considered by the Council.

Main Issues

3. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area; and
 - ii) Highway safety.

Reasons

Character and appearance

4. No 112A is a detached dwelling set back from the street behind an open frontage with a low post and chain link boundary treatment. It is in a residential area characterised by single and 2 storey properties similarly set back from the road with frontages generally either open to the footway or enclosed by low walls or short fences.
5. The proposal would be a 1.8m tall closeboard timber fence with a scalloped head and gate. It would extend for approximately 19m across the entire frontage of the property between the driveway to No 112A and that serving the neighbouring property to the north. The fence would be immediately to the rear of the footway and it would extend along the driveways to either side finishing at the appeal dwelling and the neighbours' garage.
6. By virtue of the prominent roadside location, the driveways and open frontages to either side, and the consistent set back of buildings from the street, the

proposal would be readily visible in its entirety in the street scene. The length, height, design and siting of the fencing would be out of character with the open frontage treatments in the area. It would be a dominant and visually obtrusive feature that would not be integrated and it would be poorly-related to its surroundings. It would fail to make a positive contribution to local character and distinctiveness and it would be detrimental to visual amenity.

7. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016 (the LP1) and Policies DM17 and DM20 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Adopted February 2023 (the LP2). These require, among other things, that proposals enhance the character and appearance of the area, having regard to boundary treatments and the arrangement of streets. It would also conflict with the aims of the National Planning Policy Framework including in relation to development that is visually attractive, that maintains a strong sense of place and adds to the overall quality of the area.

Highway safety

8. The proposed tall solid fencing would be immediately adjacent to the driveways to either side and it would be sited at the edge of the footway. As a result, there would be restricted visibility between drivers of vehicles emerging from either driveway and users of the footway passing alongside the fence. The proposal would be likely to result in conflict between vehicles and pedestrians, including more vulnerable road users such as children and those with impaired mobility. The failure to create a safe place that prioritises pedestrians and that minimises the scope for conflict between road users would be detrimental to highway safety.
9. Therefore, I conclude that the proposal would harm the safe operation of the highway, with particular regard to users of the footway. It would conflict with LP1 Policy CS7 and LP2 Policies DM17, DM20 and DM41. These require, among other things, that proposals create well-designed and safe places, with convenient and safe pedestrian access and that prioritise pedestrians.

Other Matters

10. The appellant wishes to erect the fencing in the interests of safety and privacy of his family and to prevent dogs from accessing the frontage. However, there is little evidence that the area suffers unduly from crime or the fear of crime or that the property could not be secured by other means. No 112A is set back from the street such that users of the footway are well separated from the facing windows, and at the time of my visit net curtains ensured the privacy of the occupiers in the dwelling. The property is set in a large plot and the existing solid fencing between the dwelling and the neighbouring garage prevents overlooking and it appears to secure a relatively large area of private outdoor space for the appellant's family. That strange dogs foul the frontage will undoubtedly be upsetting and a nuisance but there is little evidence that this could not be prevented by other means that would result in less harm to visual amenity. The appellant's personal circumstances and preferences carry little weight in favour of the proposal.

11. I am not aware of any neighbour representations to the planning application, either supporting or objecting to the proposal. The absence of objections is a neutral factor in the decision.
12. The highway consultee has no objection in principle to the scheme, subject to 1m x 1m 45 degree visibility splays where the fence meets the driveways at either end. While it seems likely that the proposal could therefore be made acceptable in terms of highway safety by an amended scheme, no amended plans have been provided. Irrespective, the inclusion of visibility splays would not overcome the harm to visual amenity.

Conclusion

13. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
14. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR