



Appeal Decision

Site visit made on 11 July 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/K2420/D/22/3312867

39 Wykin Road, Hinckley, Leicestershire LE10 0HU

- 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 Angelo Carrino against the decision of Hinckley and Bosworth Borough Council.
- The application Ref 22/00989/HOU, dated 12 October 2022, was refused by notice dated 29 November 2022.
- The development is the retention of a fence to the boundary fronting the highway.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my visit and on the basis of the evidence before me, the fence has been erected. I have, therefore, dealt with the appeal on a retrospective basis.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - Pedestrian safety.

Reasons

Character and appearance

4. Wykin Road is within a residential area of semi-detached houses. The group of houses containing the appeal property are set back from the road with grass verges, trees, bollards, and pavement between. The houses are served by shared driveways set between each semi-detached pair. To the front of the houses are gardens or hard surfaced parking areas set behind, predominately, low fence or wall boundaries.
5. Outside the appeal site is a narrowed section of road which acts as traffic calming for the vehicle and pedestrian access to Redmoor Academy on the opposite side of Wykin Road.
6. From my visit I saw other frontages along Wykin Road with higher hedge boundaries. However, these mostly had wider accesses, no gates, or set-back gates. The green frontages, grass verges and low boundaries create an open and pleasant character to the area.

7. The fence which has been erected runs the full length of the frontage of the appeal property and down the side of the front garden, up to the gable end of the dwelling. It encloses the whole of the area to the front of the appeal property in a tall, close boarded, fence.
8. Given its height, length, and position directly on the back of the pavement, although the work has been carried out to a high standard, the fence is prominent in the street scene and forms an obtrusive and incongruous feature which is at odds with the prevailing character.
9. I, therefore, find that the development has an adverse effect on the character and appearance of the area and conflicts with Policy DM10 of the Hinckley & Bosworth Borough Council Local Plan Site Allocations and Development Management Policies DPD, 2016 (SADMP) which, amongst other matters, requires development to complement or enhance the character of the area.

Pedestrian safety

10. Part 3, Section DG17 of the Leicestershire Highway Design Guide, 2022 (HDG) requires access points to be in line with Figure DG17 for the safety of all highway users. Figure DG17 sets the minimum visibility splays at 1m by 1m on both sides, unless there are local circumstances, such as the presence of a school, in which case 2m by 2m is required.
11. Redmoor Academy is on the opposite side of Wykin Road from the appeal site and, therefore, the 2m-by-2m visibility splay is recommended. The fence has been positioned within the visibility splay. Even if there have been no reports of conflicts between pedestrians and vehicles, the fence has the potential to cause conflict, which would be severely harmful to pedestrian safety, including the safety of school children.
12. For the above reasons I find that the development would have the potential for an adverse effect on pedestrian safety contrary to Policy DM17 of the SADMP which requires development to not have a significant adverse effect on highway safety and requires development to reflect the highway design standards set out in the most up to date guidance.
13. The proposal, therefore, also fails to meet the requirements in Figure DG17 of Part 3 of the NDG and would be contrary to paragraphs 110 and 111 of the National Planning Policy Framework (the Framework) which seek to ensure safe and suitable access for all users and resist development which would have an unacceptable effect on highway safety.

Other Matters

14. The appellant has advised that the fence has been erected for security of vehicles and property. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that, in general, planning is concerned with land use in the public interest. I am mindful of the personal circumstances referred to by the appellant, however these factors are not sufficient to outweigh the harm that would be caused contrary to the development plan, the HDG and the Framework.

¹ Paragraph 008 Reference ID: 21b-008-20140306 'what is a material planning consideration?'

Conclusion

15. For the reasons given above I have found that the proposal would be contrary to the development plan, when taken as a whole and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is, therefore, dismissed.

K Townsend

INSPECTOR