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## Appeal Decision

Site visit made on 11 September 2023

**by Sarah Colebourne MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> September 2023**

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**Appeal Ref: APP/F4410/D/23/3323705**

**18 Alverley Lane, Balby, Doncaster, DN4 8QW**

- 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 Warnes against the decision of City of Doncaster Council.
  - The application Ref 23/00330/FUL, dated 19 February 2023, was refused by notice dated 25 April 2023.
  - The development proposed is described as 'Retrospective application for boundary walls already built'.
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### Decision

1. The appeal is dismissed.

### Reasons

2. The main issues in this appeal are the effect of the proposed development on:-
  - the highway safety of pedestrians and other road users;
  - the character and appearance of the street scene and the area.

#### *Highways safety*

3. The development plan includes policy 13 in the Doncaster Local Plan (2021) (LP) which seeks to encourage walking and cycling and ensure that new development does not result in unacceptable impacts on the highway.
4. Alverley Lane is a long, straight residential street with dwellings on only one side for much of its length and a field on the other side. It appears to be a well-used through route between Tickhill Road, the A60, and Springwell Lane which in turns leads onto the A1(M), as well as providing access into a housing estate.
5. The appeal site comprises a detached dwelling which has a 17m wide frontage and a large parking area to the front. The appellant has constructed a boundary wall of between 1.6m and 1.9m in height along the front and side boundaries of the site with a wide 2m high, sliding access gate for vehicles across the 5m or so wide opening and another 2m high access gate for pedestrians. He has also erected two lower, perpendicular walls that project between the site and the carriageway and encroach on the public highway.
6. The Council has objected to the proposal due to its effect on pedestrian safety. The Highways Officer has said that the dwarf walls will need to be demolished and that the 2.65m deep verge in front of the property that has been altered

- and severely damaged will need to be reinstated to tarmac and built to an adoptable standard.
7. At the time of my visit during the middle of a weekday afternoon, the street was very busy with vehicles travelling in both directions and speeds appeared to somewhat higher than on many residential roads. Contrary to the appellant's view that there is little pedestrian activity, I noted a steady number of people walking along the street in both directions.
  8. I saw that there is a footway along much of the length of the street on this side. However, as the appellant's photographs show, there is no formal pedestrian footway to the front of the property or the three neighbouring properties to the north of the appeal site until no 10, although there is a very narrow strip of tarmac immediately in front of the driveways to the appeal property and the neighbouring property. The front boundary of the neighbouring property at no 16 comprises a hedge and to the front of no 14, there is a perpendicular boundary wall with a similar projection to that of the appeal proposal. I noted a car parked on the land between the carriageway and the front garden of no 12. I have not been told of the legality or planning status of the use or development of those frontages.
  9. When walking down this side of the street from Tickhill Road, pedestrians have to cross over the road at no 10 to the pavement on the opposite side. However, that ceases opposite no 22 and at the time of my visit there were a number of parked cars on it, requiring pedestrians to cross over again. When walking up the street, pedestrians have to cross the road outside the appeal site before then crossing again opposite no 4 to rejoin on that side.
  10. Although there are other obstructions in the street to pedestrians, the dwarf walls in this proposal obstruct the creation and use of a significant length of footway across the wide frontage of the site and these therefore increase significantly the danger faced by pedestrians when walking along the street.
  11. I have noted that the Doncaster Development Guidance and Requirements SPD (July 2015) has been revoked and that the requirement for front boundaries to be between 0.8-1.2m to enable full view of the front of the house and meet visibility requirements for vehicle access and driveways no longer applies. The South Yorkshire Residential Design Guide (RDG) (2011) which provides further guidance on that has also been revoked but retained as guidance, although it carries only limited weight. The RDG says that visibility splays of 2.0 x 2.0 metres may be required where a private drive joins the back of footway in the interests of pedestrian safety and that these should be kept clear of obstructions over 900mm in height. To comply with that, the Highways Officer says that the pier between the two gates which is approximately 1.9m in height, would need to be partially demolished / reduced to 900mm in height or be demolished in its entirety and a 2m x 2m pedestrian visibility splay provided and the driveway surfacing would need to be a hard standing / sealed surface.
  12. The appellant says that a 2m x 2m visibility splay is easily achieved if a vehicle exits the site centrally to the opening and on the basis of the plans I would agree because the pier is more than 2.5m from the centre of the opening.
  13. Nevertheless, for the reasons given earlier and my findings in paragraph 10, I conclude that the proposal causes a significant danger to pedestrians and is contrary to LP policy 13.

14. The appellant's photographs show that the site previously had a narrower vehicular access. Whilst I have found that a visibility splay can be achieved and the height and siting of the main wall and piers do not harm highway safety, I have found that the siting of the dwarf walls that form part of this proposal do so and those did not form part of the previous access. I am not persuaded then that this proposal has improved pedestrian safety overall.
15. I have noted that between 2017 and 2021 there were no recorded accidents in the vicinity of the site but as the proposal was only constructed in 2022 and has reduced pedestrian safety, that data does not provide compelling support for the proposal that would outweigh the harm caused.

#### *Character and appearance*

16. Towards the upper part of this section of the road there is some consistency in front boundary treatments with stone walls enclosing several properties and providing an attractive feature in the streetscape. In the immediate vicinity of the appeal site, there is less consistency and front boundary treatments in this part of the road vary. Although I have not been told of the planning status of those referred to by the appellant, they add little to the street scene and are not comparable to the boundary at the appeal site in any case because they are of a lesser scale and do not have such a large expanse of solid brickwork. As such, they do not provide support for this proposal. Even so, most of the other boundaries in this section of the road allow for some inter-visibility between the street and the dwellings and their front gardens. This creates openness and activity in the street scene and contributes to its suburban character and appearance.
17. Even though the dwelling at no 18 is of a larger scale than most in the street, having been extended with a high projecting gabled roof, the front and side boundary walls at the appeal site appear disproportionate to the scale of the dwelling and the street scene. They are significantly higher and more dominating than any other boundaries seen in the street and this, together with the considerable width of some 17m along the frontage and the lack of piers in the main section of wall, results in an unduly dominant expanse of brickwork which is greatly detrimental to the street scene.
18. The excessively wide, solid gates which slide on rollers and project above the height of the wall, are also of an inappropriate scale and design. Together with the boundary wall they have an unattractive, enclosing effect that restricts inter-visibility between the street and the property and are more suited to the character of an industrial estate than a residential property. This is a very poorly designed proposal which significantly harms the character and appearance of the street scene and the area and is contrary to policies 41 and 44 of the LP which require that proposal respond positively to their context and that their scale is sympathetic to the character of the area.

#### **Conclusion**

19. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed.

*Sarah Colebourne*

Inspector