



Appeal Decision

Site visit made on 4 October 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023.

Appeal Ref: APP/W0530/D/23/3326256

97 Speedwell Close, Fulbourn CB1 9YS

- 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 Federica Muia against the decision of South Cambridgeshire District Council.
 - The application Ref 23/00945/HFUL, dated 12 March 2023, was refused by notice dated 11 July 2023.
 - The proposed development is to move the garden fence towards the pavement to align with the property boundary.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the relocated fence on the character and appearance street scene.

Reasons

3. The appeal site comprises a two-storey end terraced dwelling. It is located within a modern residential estate comprising a mixture of dwelling types including terraced and apartment blocks. The street scene is characterised by a fairly continuous built frontage of two-storey development with generally open, planted front gardens. The appeal site is located at the end of a cul de sac adjacent to which are two 3 storey apartment blocks set within grounds containing parking areas and lawns.

Character and appearance

4. The property on the appeal side is set at right angles to the carriageway of Speedwell Close with the area of land to be enclosed by the proposed fence being visible within it. Although at present it has a somewhat unkempt appearance, it nevertheless contributes to the wider character of the street scene provided by the adjoining front gardens and open areas surrounding the adjoining apartment blocks.
 5. The proposed fence would be sited right up to the pavement edge along the entire side boundary of the property along the Speedwell Close frontage to enclose the currently open land to the side of the dwelling with the front garden area left open. The existing fence encloses only the rear garden of the property such that the entire area to the side of the dwelling itself is currently open to the street.
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6. The increased length of fence taken together with its siting right up to the pavement edge with no retained verge for planting or other softening feature would result in the introduction of a harsh and incongruous feature within the established street scene which would detract from the pleasant open character. Whilst the open grounds of the apartment blocks would still be seen, the fence would nevertheless be seen as a harsh feature within this view.
7. The Appellant has indicated a willingness to set the fence back from the pavement edge so leaving a gap / green verge, but this is not part of the scheme before me which I have to determine on the basis of the submitted plans. I have also taken into account the other nearby sites referred to by the Appellant but note that these appear to have retained a set back from the pavement edge. In any event, I am unaware of the circumstances in which they may have been found to be acceptable and am dealing with this case in the light of the particular site circumstances.
8. I therefore find that the proposal would be harmful to the character and appearance of the street scene. It would thereby conflict with Policy HQ/1 of the South Cambridgeshire Local Plan (2018) (SCLP) and Policy FUL/04 of the Fulbourn Neighbourhood Plan (2022) which seek high quality design that positively contributes to the local context, integrates well with its surroundings and which protects and where possible enhances existing natural features. For the same reasons, it would also fail to satisfy guidance in the Fulbourn Village Design Guide (2020) which encourages development to respect and enhance village character by amongst other things, recognising that green verges are essential to local character.
9. I have also had regard to the National Planning Policy Framework (the Framework) in particular paragraphs 130 and 134 as referred to by the Council but find that, overall, the proposal would not accord with its objectives to achieve good design and development that is sympathetic to local character.

Highway safety

10. The rear of the appeal site adjoins the parking area and garage to the front and side of the property to the south. The Council's Highway Officer has expressed concern that the newly positioned fence would not provide the required pedestrian visibility splay, despite the proposed angled position of the fence on the corner. I agree that the proposed fence could compromise pedestrian safety as the driver of a vehicle moving out of the parking space may not be aware of approaching pedestrians. Whilst the Appellant has also confirmed a willingness to provide such splays, they are not part of the submitted plans before me.
11. The proposal would therefore compromise highway safety and thereby fail to accord with SCLP Policies HQ/1 and T1/3 which seek to ensure that safe and convenient access is provided for all users of the highway with safe opportunities for walking. It would also not accord with the Framework in particular paragraphs 110 and 111 which seek safe and suitable access and to ensure that there would not be unacceptable impacts on highway safety.

Other Matters

12. The appeal application relates only to the proposed erection of the fence in a new position. The Council has indicated that the use of the land that would be

enclosed by the relocated fence as part of the enlarged garden of the property would also require permission for a change of use. The Appellant has suggested that this was not made clear prior to the submission of the application but in any event, the question of whether there is a change of use and therefore whether planning permission is required for it is not before me and would need to be resolved directly with the Council should the Appellant wish to pursue the matter further.

Conclusions

13. I therefore conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR