

Appeal Decision

Site visit made on 27 November 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH December 2023

Appeal Ref: APP/P1940/D/23/3330706

145 Hampermill Lane, Oxhey Hall, Hertfordshire WD19 4TF

- 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 R Patel against the decision of Three Rivers District Council.
 - The application Ref 23/1322/RSP, dated 4 August 2023, was refused by notice dated 28 September 2023.
 - The development proposed is front timber fence panel above existing boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appeal application was made retrospectively. The proposed fencing is in place, as I saw at my site visit. I have nevertheless deleted the appellant's reference to '*retention*' of the fence from the description of the proposed development given above, as retention is not an act of development.

Main Issue

3. The main issue is the effect of the proposal on the safety of highway users.

Reasons

4. No 145 sits on a corner plot at the junction of a busy main route (Hampermill Lane) with a residential street (Vivian Gardens) that slopes up sharply from the junction. The house's driveway has 2 accesses, one to each of these roads. The appeal fencing consists of horizontal timber slats, sitting on top of pre-existing brick walls of up to about a metre in height.
5. Hampermill Lane is subject to a 30mph speed limit here. Government guidance in Manual for Streets (MfS) indicates that visibility splays of 43m in each direction from a 2.4m set back should be provided for junctions and accesses in this situation, so that drivers and other road users have sufficient opportunity to see each other. The fencing would partially obstruct these splays for the road junction and both of the direct accesses.
6. The appellant has submitted a diagram attempting to show that a 2.3m by 43m visibility splay is available from the junction, for traffic exiting Vivian Gardens

and looking to the left, but that splay is drawn to the centre line of the highway rather than to the near kerb as set out in MfS. Although traffic on Hampermill Lane approaching from that direction would normally be on the opposite side of the road, passing is allowed here so it is possible that fast moving vehicles could be hidden from view in the near lane. The upward slope of Vivian Gardens is not sufficient to compensate for this.

7. Whilst it is possible to get some views though the slatted fence from the site accesses, that is not possible from the Vivian Gardens leg of the junction because the wall and vertical fence posts obstruct views. Drivers leaving Vivian Gardens especially do not, therefore, have a satisfactory view of oncoming traffic without edging into the carriageway.
8. The appellant submits photographs showing that the wall was previously topped by evergreen hedging, which must also have obstructed views. I saw at my site visit that new evergreen shrubs have been planted behind the fencing. These plants would in time have much the same effect, adding to the problems identified above. The positioning of the fence within the visibility splays facilitates this planting and would also make it difficult to control in future. The Hampermill Lane access crosses a footway so the lack of visibility there could also affect pedestrians, including small children.
9. The Council has not provided any data on traffic accidents on this stretch of road. I recognise that other nearby properties on Hampermill Lane, including No 143 on the opposite side of the junction, have high boundary walls that also block drivers' vision. These factors do not, however, justify sub-standard, unsafe development.
10. No 145's Vivian Gardens access is set well up to give better views and Vivian Gardens is more lightly used, so I see no objection to the fencing on that side of the property. I conclude, however, that the proposed fencing on the corner and to the front of the property unacceptably prejudices the safety of highway users. This part of the proposal conflicts with policy CP10 of the Core Strategy and the National Planning Policy Framework, which aim to ensure safe and adequate means of access.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR