



Appeal Decision

Site visit made on 13 November 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/X4725/D/23/3326571

93 Coxley View, Netherton, Wakefield WF4 4NE

- 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 Mrs Pauline Rimmer against the decision of Wakefield Council.
 - The application Ref 23/00305/FUL, dated 17 February 2023, was refused by notice dated 12 June 2023.
 - The development proposed is boundary fence under 2m in height adjacent to public footpath.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place. I have dealt with the appeal on that basis.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023, replacing the version published in September 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referenced sections and paragraph numbers, these refer to those set out in the December 2023 revision of the Framework.

Main Issues

4. The main issues are:
 - the effect of the development upon the character and appearance of the area; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

5. The appeal site comprises a corner dwelling and its grounds on Coxley View with a boundary to The Crescent. The property is located in an area of residential properties, which are laid out in a regular pattern, with front and side elevations a consistent set back from the back edge of the footway behind relatively open front and side garden areas. There is established vegetation on

many front boundaries which imparts a pleasant verdant appearance. Of the built boundary treatments which are present, these mostly comprise low fences/walls giving retaining a spacious and open character to the area.

6. The concrete post, gravel board and arched timber panel fence is lengthy, tall, solid and immediately adjacent to the footway. It appears to run along most of the appeal property frontage along Coxley View. It returns at right angles within the site enclosing most of the space at the side of the dwelling and some at the rear of the property. It provides a solid impenetrable boundary up to the footway which obscures the space in front of the dwelling.
7. The Council's adopted Wakefield District Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document 2018 (the RDG) states that boundary treatments are often a dominant feature of the street scene, strongly contributing to the character and appearance of an area and as such their design should be guided by the predominant boundary treatment in that locality. Although it does follow the same line as other enclosures that have been constructed in the immediate vicinity on the opposing side of The Crescent, its solid design, and larger scale mean that its appearance is not similar to those elements.
8. The physical appearance and prominence of the fence cause it to be unduly conspicuous when viewed from adjacent public routes, and down both directions of Coxley View. The appearance would also be in stark contrast with the greenery and other immediate lower built enclosures. The enclosing nature of the fence and the solid close boarded design, substantial height and length cause it to be wholly at odds with the prevailing green, spacious and open characteristics of the area. The development is an overbearing and a discordant feature in the street scene.
9. The appellant has drawn my attention to what are stated to be comparable timber fences at properties located near the appeal site on Coxley View and Oakland Drive. Although I recognise the similarities in terms of enclosure between No 47 Oakland Drive, the remainder are not of the same height or position relative to the highway. I am also not certain that any of them have been granted planning permission. Higher fences were also not so common place that they defined the character of the area. Furthermore similar development does not justify further harm and therefore carries little weight in these circumstances.
10. I have taken into account that the fence is arched, which reduces its maximum height. However whilst this does provide some variation it does not reduce the height by any meaningful amount nor mitigate the stark close boarded appearance, or the position in relation to the footway which encloses the side of the site eroding the openness.
11. I note the comments about corner plots requiring a somewhat different requirement in terms of boundary treatment, and that the appellant states they are entitled to enclose the land. However, there is no substantive evidence regarding the need for enclosing the site, nor is a timber fence at this height, in this position the only means of doing this. Having regard to the Planning Practice Guidance¹ that planning is concerned with land use in the public interest, largely private benefits do not outweigh the public harm.

¹ ID 21b-008-20140306

12. Overall the development is at odds with the prevailing character of the street scene. I conclude the proposal harms the character and appearance of the area.
13. The proposal is therefore in conflict with Policy CS10 of the Wakefield Local Development Framework (WLDF) Core Strategy 2009 and Policies D9 and D10 of the WLDF Development Policies 2009. Insofar as they are relevant to this aspect of the appeal these seek to ensure new development respects the character of the locality. The proposal would also conflict with the aims contained within chapter 12 of the Framework where it seeks to achieve well-designed and beautiful places. For similar reasons, the proposal would not accord with the advice contained within the RDG.

Highway Safety

14. The appeal site is located at the junction between Coxley View and The Crescent. Coxley View leads directly from Upper Lane (B6117) and serves numerous properties and secondary streets within the residential area. There is a significant bend in the road before it becomes relatively straight on the approach to the appeal site. Whilst I appreciate my site visit was only a snapshot in time, during a weekday morning, I did not observe significant vehicle movements or speeds within this residential area, however there were vehicles parked on the street in front of properties.
15. Although the site is being used for parking over an existing dropped kerb the Council has not raised any safety concerns over this aspect, and I have no evidence that planning permission is required for the access here. However, the Council's Highway officer considered in the absence of details pertaining to available visibility that the fence would encroach into the line of sight of a driver emerging out on to Coxley View making it less safe than before.
16. The appellant subsequently submitted a plan with their appeal titled '50m Sight Lines' which shows the visibility splay referred to by the Council (2.4 metres back from the give-way line) for vehicles entering Coxley View from The Crescent only.
17. I observed from my site inspection that the siting of the proposed development at the back edge of the footpath, would allow some visibility towards the 50m mark shown on the plan. However, the overall height and position of the fence did obscure a significant part of the road. Furthermore there is no evidence which identifies if 50m is a sufficient distance for this road, its speeds and characteristics particularly given that vehicles parked on street may mean that cars travelling along the highway could be positioned more centrally on the road and therefore could be partly obscured by the fence.
18. Drawing these threads together on the basis of the evidence before me, the development would increase the potential for conflicts between road users. For the above reasons, and in the absence of sufficient information to demonstrate to the contrary, the development would have a harmful effect upon highway safety.
19. The proposal in this respect would not comply with the relevant parts of Policies CS10 of the WLDF Core Strategy 2009, and D14 of the WLDF Development Policies 2009 which requires that the design of development is appropriate and does not have a significant negative effect on the safety of

highway users. In addition, I found that the proposal would not fulfil some of the aims with the chapter 9 of Framework, where it states, amongst other things, that development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

20. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR