



Appeal Decision

Site visit made on 7 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal Ref: APP/X4725/D/23/3329296

14 Green Acres, Durkar, Wakefield WF4 3BG

- 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 Caroline Swallow against the decision of the Wakefield Metropolitan District Council.
 - The application Ref 23/00336/FUL, dated 21 February 2023, was refused by notice dated 23 June 2023.
 - The development proposed is boundary fence and gated access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development had commenced. I also note that the application has been submitted retrospectively, I have dealt with the appeal on this basis.
3. The Council changed the description of development from that stated on the application form in the interests of clarity. With the removal of the words 'part retrospective', I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

5. The main issues are the effect of the development on (i) the character and appearance of the areal and (ii) highway safety.

Reasons

Character and Appearance

6. The site is in a predominantly residential area. Boundary treatments in the locality vary however the prevalent form are low level walls defining the front

boundary of properties. I noted during my site visit that there were no other front boundary fences of a similar height and design in the vicinity.

7. The height of the as constructed fence on a prominent corner is stark in the context of the streetscene, due to the positioning, materials and height.
8. There is conflict with Policy D9 of the City of Wakefield Metropolitan District Council Local Development Framework, Development Policies Document (2009) (the DPD) which seeks that developments, amongst other things, are high quality which positively contribute to the local area. There is also conflict with Policy D10 of the DPD which permits extensions and alterations to dwellings subject to criteria which respects residential amenity, the character and scale of the dwelling, and its location.
9. The proposal conflicts with the advice in the Council's Residential Design Guide Part 2 (Guidance for Householders)(the SPD) which advises that boundary treatments should, almost always, be guided by the predominant boundary type in the locality. The SPD also advises that closed fencing panels that are 6ft or more in height are unlikely to be acceptable at the front of properties as they can appear hostile and deteriorate more quickly than other forms of boundary treatment. The fence as constructed is above 6ft and has an oppressive and incongruous appearance.
10. I conclude that the development harms the character and appearance of the area and conflicts with relevant requirements of Policies D9 and D10 of the DPD and the Council's Guidance for Householders.

Highway Safety

11. Due to the location and height of the fence vehicles exiting the appeal site would encroach onto the footpath fronting the site to secure visibility along Green Acres. On this basis pedestrian safety would be compromised. The fence obstructs visibility for drivers which given the location adjacent an approximately 90 degree bend in Green Acres would be detrimental to highway safety.
12. My attention has been drawn by the Appellant to the retained hedge at the site which restricts visibility. Notwithstanding this the location of the fence in an area which previously had shrubs ranging in size, as demonstrated by the photograph provided by the Appellant, exacerbates the limited visibility.
13. I conclude that the development harms highway safety and conflicts with Policy CS10 of the Local Development Framework, Core Strategy (2009) and Policy D14 of the DPD and the Council's Guidance for Householders which seek amongst other things to ensure that development create safe environments taking into account the features of surrounding roads and footpaths and provide adequate visibility to allow safe access.

Other matters

14. Whilst the timber fence offers a degree of privacy and security for occupiers of the appeal site I have not been provided with demonstrable evidence to convince me that the proposed development is the only way of achieving privacy or security. I give this limited weight.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR