



Appeal Decision

Site visit made on 16 July 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/Y1945/W/24/3340115

2 Hope Green, Watford, Hertfordshire WD25 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Salvatore Mistretta against the decision of Watford Borough Council.
 - The application Ref is 23/01166/FULH.
 - The development proposed is installation of new feather edge timber boundary fence and increasing the width of the existing dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form indicated that the work applied for had already started and I saw a partially constructed fence at my visit, but I have nevertheless dealt with the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on pedestrian and highway safety.

Reasons

Character and Appearance

4. Most of the buildings on Hope Green are arranged around a large central green space containing mature trees and there are further generous grassed areas beside buildings along the stretch of street running between the central green and the junction with Ganders Ash. I saw similar greens and grassed areas in nearby streets and these open spaces are an important feature of the area. Together with the usually generous frontages to dwellings which are typically open or marked by hedges or low level walls or fences, they provide for an attractive and distinctive impression of spaciousness.
5. The appeal site includes an end of terrace dwelling which faces the central green. The site also includes an outbuilding to the rear of the dwelling which has a separate vehicular access from the stretch of Hope Green up to Ganders Ash, as well as the wide grassed area between the dwelling and garden and the footway of Hope Green which the appeal proposes to enclose with 2m high fencing and timber gates.

6. The fence and gates would be much higher than the low-level fencing or walls that are typical of hard boundary treatment adjoining street edges nearby and would form a large, solid visual barrier that would block views across the section of the grassed area beside the appeal dwelling. The resulting degree of enclosure alongside the street would be unusual and would essentially obviate the contribution that the grassed area currently makes to the distinctive open character of the area. Moreover, the fence line would project notably forward of the front of the appeal dwelling, and it would also step out significantly beyond the fence to the side of the neighbour at 25 Ganders Ash which continues the line of the existing fence to the appeal dwelling's garden. The resulting protuberance in the boundary would be awkward and visually jarring and would be conspicuous in views from both Hope Green and Ganders Ash, exacerbating the prominence and incongruous nature of the development.
7. I find given these factors that the development would stand out as a discordant and obtrusive feature and that it would detract significantly from the character and appearance of the area.
8. I note examples of other fences referred to by the appellant. Very limited details have been provided of these examples, but I saw on visiting them that many were not part of streets characterised by generous open space and none appeared to project out to enclose part of a verge/grassed area that broadly continued alongside neighbouring buildings so as to be directly comparable to the appeal proposal. They are also part of different street scenes, in many cases some distance from the appeal site. The weight that I afford to these examples is therefore limited and they do not offer compelling evidence that effects of the current proposal on the appeal site and area would be acceptable.
9. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the area contrary to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038 ('the LP'). Amongst other things, these policies require high quality design and development that reflects the character of the area and that relates to local context.

Pedestrian and Highway Safety

10. The appeal also proposes widening of the dropped kerb access from Hope Green which serves the outbuilding at the rear of the dwelling. The appellant indicates that they would be happy to comply with guidance in the Hertfordshire County Council Residential Dropped Kerbs Policy 2023 ('the DKP') in respect of the maximum acceptable width of a dropped kerb.
11. However, the DKP also sets out that visibility at the point of access will be considered to ensure that pedestrians and vehicles can be clearly seen when entering or exiting the property. The proposed fence line would run close to the access and would extend up to the boundary with the footway at a height of 2m. Based on my observations, this relationship would significantly restrict visibility from the access along Hope Green and while the appellant refers to use of mirrors, they have provided no substantive details to demonstrate that suitable standards of visibility could be achieved. The lack of adequate visibility would increase potential for conflict between vehicles using the access and pedestrians and other highway users, causing unacceptable detriment to safety.
12. In addition, the set back of the gates into the site would be insufficient to allow a vehicle using the access to draw clear of the highway and footway while the

gates were opened or closed. Even if the gates would open within the site, the arrangement would therefore be likely to result in vehicles causing obstruction and further potential for conflict with other highway and footway users.

13. I do not know the full circumstances which led to the examples of other high fences referenced by the appellant which they assert lack visibility splays. In any event, these examples do not establish a lack of harm and whether or not they are subject to enforcement, they do not in my view offer a compelling justification to allow further development which would harm highway safety.
14. For these reasons, I conclude that the proposal would cause unacceptable harm to pedestrian and highway safety and it would conflict with Policy ST11.1 of the LP insofar as it seeks to reduce the impact of cars on the transport network. It would also be contrary to Policies 1 and 5 of the Hertfordshire Local Transport Plan 2018 which seek safe access arrangements and safer use of sustainable transport modes, as well as the National Planning Policy Framework which seeks safe and suitable access.

Planning Balance

15. I saw that there is an existing garden to the rear of the appeal dwelling which is enclosed by fence of reasonable height. There is no substantive evidence before me to suggest that this arrangement is inadequate or otherwise inappropriate to offer occupiers of the site suitable living conditions including in respect of safety or privacy, nor demonstrating an existing issue with litter at the site. The further grassed area to the side of the dwelling may be in the appellant's ownership, but any existing use of this part of the site is unclear. In this context, I am not persuaded that the privacy and security benefits identified by the appellant would outweigh the harm that I have found to the character and appearance of the area and to pedestrian and highway safety. I have noted comments from interested parties in support of the development, but these do not alter my assessment of the merits of the proposal and are not a factor that would outweigh the harm that I have found.
16. There is also no clear evidence to show that dismissing the appeal would lead to the appellant and their family being unable to safeguard the right to respect to private and family life and home or to peaceful enjoyment of their possessions so as to interfere with rights under Article 8 or Article 1 of the First Protocol of the Human Rights Act 1998. Even if there were interference, I find that this would be in accordance with the law and necessary in a democratic society in pursuance of well-established and legitimate aims to protect pedestrian and highway safety and for development that is sympathetic to character and appearance. These aims could not be achieved by less imposing means than dismissal of the appeal. In these circumstances, I find that any interference with the appellant's rights would be proportionate.

Conclusion

17. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR