



Appeal Decision

Site visit made on 20 August 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2024

Appeal Ref: APP/K0235/D/24/3346353

5 Croyland Drive, Elstow, Bedford, MK42 9GH

- 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 Sarbjit Mahli against the decision of Bedford Borough Council.
 - The application reference is 23/02752/S73A.
 - The development proposed is removal of existing boundary fence and overgrown planting, installations of new 1.8m high fence, new hedge. Change of use of amenity land to garden space and new paving slabs and sheds (development already carried out).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development. The proposal is submitted on a retrospective basis.

Main Issues

3. The main issues are the impact of the proposal upon i) the character of the area and ii) pedestrian and vehicular visibility.

Reasons

Character of the area

4. The appeal site is a detached, two-storey, dwelling which stands in a corner plot at the junction with Croyland Drive and Halesowen Drive. The garage of the property is located forward of the front of the property and whilst the property is accessed, in terms of a driveway (via a shared access) from Croyland Drive, the fence in question is to the side of the host property along Halesowen Drive. The property is situated within a residential area which, due to the relatively modern construction, means that the estate and the properties within it are relatively uniform in appearance and layout. As a result of siting, within a corner plot, the appeal site is in a visually prominent location with views of the proposal being available along both Halesowen Drive as well as within wider views along Croyland Drive itself from the East.
5. At the time of my site visit I found that the boundary treatments for residential dwellings in the vicinity are typically characterised by low-level boundary walls or hedgerows. The Abbeyfields Estate is characterised by its open space and areas of visual amenity in order to break up the relatively uniform built form.

The open space, and set back of boundary treatments and properties, are a notable feature which I find to contribute to the aesthetic value of the site's overall visual setting.

6. The proposed fence seeks to enclose a strip of land situated between the property's current garden and the pavement in Halesowen Drive. The enclosure of the strip of land in question results removal of what I find was a notable area of soft landscaping and introduces a timber fence sited in much closer proximity to Halesowen Drive. The strip of land, from the images within the appellant's statement, I find made a positive contribution to the character of the street scene within views along both Halesowen Drive and Croyland Drive respectively. Loss of the land in question would be detrimental to the open and verdant character and appearance of the street scene.
7. The fencing could be said to be small scale, however, when viewed from the west, the siting of the proposed fence projects significantly forward of the boundary/existing planting located to the side of the property located to the rear of the appeal site (1 Halesowen Drive). The retention of the open space to the side of property to the rear (west) means that the proposal creates a boundary feature which juts out, notably, in comparison to the retained open space adjacent. The siting of the proposed fence forward of this exacerbates the impact of the proposal and adds further weight to the unacceptable harm.
8. The relocation of the fencing removes the open space around the appeal site which was originally intended to be part of the landscaping and layout of the estate which results in material change to the character of the area as a result of length, prominence and material type. I acknowledge that within the submissions, and as seen as the time of my site visit, that the appellant has planted Laurel within the small setback between the edge of the pavement and the fencing in question. Despite this, I do not find that the planting would do enough visually to alleviate the loss of vegetation, and open space, surrounding the fencing and it is insufficient to mitigate the detrimental impact on the character of the area or the loss of openness around the appeal site.
9. I acknowledge that the proposal may have benefits in terms of the appellant's private needs, however, I have no evidence before me to suggest that the existing boundary treatment was of such a poor level of security and privacy which would warrant the appeal proposal before me insofar as the fencing has been significantly moved and notable amounts of vegetation and open space have been removed from the street scene as part of the proposals. The fence, as constructed, I found during my site visit to create a significant negative visual feature within the street scene.
10. Overall, I do not find that the visual effect of the proposed fencing is very localised due to the extensive views that I find are available from within both Halesowen Drive and Croyland Drive and that the scale, design and materials would result in a harsh and overly prominent feature considered in the context of its immediate surroundings. The proposal would cause unacceptable harm to the character of the area as well as being widely visible to the detriment of the appearance of the area, which would result in the proposal being in conflict with Bedford Local Plan 2020 (LP) Policies 28, 29 and 30 which collectively seek to require development to make a positive contribution to the character of its surroundings and to enhance the distinctiveness and sense of place. These policies also seek to ensure that development is of a high quality in terms of

design and should have a positive relationship with the surrounding area, integrating well and complementing the character of the area in which the development is located.

Pedestrian and vehicular visibility

11. A fence around the front garden is shown in red where there is stated to have been no fence previously. I do not, however, find that the front garden section of the fence in question would block the vehicle visibility splay of the junction of Croyland Drive and Halesowen Drive to an extent which would warrant refusal. From the appellant's submissions, I can see that there was extensive vegetation on the land in question which in turn I find would likely have similar impact upon visibility as the fencing which is the subject of this appeal. This is also applicable in relation to forward visibility for pedestrians of the footpath at the junction of the two roads in question.
12. Whilst I acknowledge the comments of the highways consultee, made within the application process itself, I do not find that the second refusal reason can be reasonably substantiated taking into account the existing vegetation which would have been adjacent to the front garden up to and level with the rear of the appellant's garage building. I have no evidence before me, therefore, that the proposal, would pose a greater material impact to highway safety and visibility than the previous vegetation growing on site.
13. The proposal would, in terms of highway safety, be consistent with the objectives of LP Policy 31 which seeks to ensure that development proposals do not have any significant adverse impact on access to the public highway and that considerations should be had for the suitability of access arrangements to and within the development for all members of the community including pedestrians.

Other Matters

14. I note that the appellant is stated to have undertaken the works in good faith without realising they would be a breach of planning, however, regardless of this and the status of the proposals I have considered the proposal before me on its own merits against the Local Plan as is the starting point for determination.
15. It is understandable that the occupant of any residential dwelling would appreciate privacy, however, as outlined above I have no reason or evidence before me to suggest that the existing arrangement of vegetation on the site boundary resulted in sub-standard privacy for the appeal site. For the reasons I have outlined within the first main issue, I find that the proposal would impact upon the character of the street scene in a harmful way and that the proposal is not sympathetic to the built context. Whilst the amenity space may have greater value for the appellant, personally, as garden land its originally intended purpose was in this case as amenity space which contributes to the overall visual setting of the Abbeyfields Estate.
16. I note a number of objections to the proposal relating to loss of amenity space and important open space from both the Parish Council and third-party objectors. I have dealt with the matters raised within the objections within the main issues of this decision letter and, furthermore, whilst I note comments that the fencing is said to be in excess of the 1.8 metres stated within the

development description, I have determined the proposal based upon the submissions before me. Had the appeal been allowed and the fencing then found to be taller than stated within the submission documents/approved plans (which would have been secured by condition) this would then have been a separate matter for enforcement to comply with any planning permission that has been granted.

Conclusion

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

Eleni Randle

INSPECTOR