

Appeal Decision

Site visit made on 30 July 2024

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref. APP/X4725/D/24/3346360

87 Chevet Lane, Wakefield WF2 6JE

- 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 and Mrs Huo against the decision of Wakefield Metropolitan District Council.
 - The application ref. is 23/02254/FUL.
 - The development proposed is "*The construction of entrance gates and a boundary wall/fence*".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The front boundary wall/fence has been built. A timber fence was erected above the pre-existing boundary wall which runs adjacent to the footway along the frontage of the property. The frames for the bifold entrance gates at the widened vehicular entrance are in place but the main sections of the gates have not yet been installed. The gates and boundary wall/fence reach about 2m in height above the footway level. The development was started in June 2023 according to the details on the application form. The application was made retrospectively.
3. The decision notice does not list drawing no. 02 Rev A dated 20 December 2023. As it was supplied with the Council's Questionnaire, I have taken it into account.

Main issues

4. The main issues are the effects of the proposed development upon the character and appearance of the street scene and the area and upon highway safety.

Reasons

5. No. 87 is a detached dormer bungalow on the eastern side of Chevet Lane. There is a wide variety of designs across the 20 or so dwellings on this side of the road between no. 67 next to the junction with Chevet Grove to the north and no. 105, the last dwelling in the ribbon of dwellings to the south of the appeal site. With no. 87
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located towards the centre, I consider this stretch of dwellings represents the local street scene within which the appeal site is largely experienced.

6. I saw that the area's key characteristics are its residential character, the fairly spacious layout of individually designed dwellings, many well landscaped front gardens, the preponderance of low walls across the front boundaries many of which are supplemented by hedges, other vegetation or railings and the wide band of dense vegetation on the western side of the road directly opposite the appeal site. The gardens, trees and shrubbery interspersed with low solid front boundary treatments give a soft visual impression to the street scene.
7. In the appeal case, the fencing on top of the walling and the entrance gates would combine to form a harsher and more enclosed and imposing frontage reaching about 2m in height. Such a strong and tall solid defining boundary along the prominent roadside edge of no. 87 would leave very little of the dwelling visible and amount to an incongruously intrusive feature within the area. It would appear ill-proportioned and inappropriate in terms of the area's context and local character.
8. The scheme eschews the advice in the Wakefield District Residential Design Guide Supplementary Planning Document: Part 2 Guidance for Householders January 2018. This indicates that new boundary treatments should almost always be guided by the predominant boundary type in that locality and that closed timber 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. All the front boundary structures at no. 87 would exceed 6ft in height. I find in the context of this site, local character would be best respected by far lower solid front boundary features augmented by vegetation.
9. The appellants invited me to consider the street scene images of tall boundary treatments at the front of more than a dozen other dwellings along Chevet Lane. However, it is apparent that some of these examples lie some distance away from the appeal site either beyond the junction with Chevet Grove or on the opposite side of Chevet Lane. Those examples are not viewed closely together with the appeal site as part of its context. Moreover, as for the rest, in the stretch of about 20 dwellings I referred to in paragraph 5 above, discounting the appeal property I saw only 6 other dwellings with tall solid front boundary enclosures comprising walling topped by fencing or concrete infill panels (nos 75, 79, 85, 95, 97, and 101). So, this does not comprise the predominant boundary type in this locality.
10. Amongst the larger number of lower front boundary structures and vegetation along this stretch of Chevet Lane, those 6 properties are not good examples to follow as their solid front boundaries are too tall and disruptive and do not reflect the character and appearance of the relevant local street scene when viewed in the round. In any event, with the exception of no. 85, the planning history behind these other developments has not been provided. The fence at the front of no. 85 stands about 2.1m above footway level but it appears to have been granted planning permission over 20 years ago under different development plan policies and guidance.
11. I therefore find on the first main issue that the proposed development would harm the character and appearance of the street scene and the area. It would fail to respect Policies SP1, SP23, LP56 and LP57 of the Wakefield District Local Plan

2036 Volume 1 (WDLP) January 2024 which place emphasis upon the need for high quality design, layout and landscaping, the delivery of sustainable development and respect for the character of the area. There would be a failure to adhere to the National Planning Policy Framework (the Framework) insofar as it relates to achieving well-designed and beautiful places.

12. The Council's Highways Officer advised that the 2.4m x 43m visibility splays recommended in the Manual for Streets for roads in urban areas with a 30mph speed limit would not be achieved at the widened access point. The plans show that 2.4m x 30m visibility splays would be available in each direction. No speed survey was submitted, as requested during the processing of the application, to show whether this level of visibility would be safe in relation to vehicle speeds.
13. Even though no objections were received from local residents and I have not been made aware of any local traffic incidents, I consider that the approach taken by the Council and its Highways Officer was not unreasonable. Chevet Lane forms part of the B6132. I saw that it is a relatively busy classified road of more than local significance. Regardless of the various previous levels of vegetation across the frontage of the site, I consider that new development should be designed so that safe and suitable access to and from the site can be achieved for all users. In any event, it would appear that by March 2021, the most relevant comparable situation prior to the development taking place, the vegetation had been drastically reduced such that visibility to the left for drivers emerging out of the property was superior to what it is now with the fencing in place above the wall.
14. There are blue warning signs along Chevet Lane with the message "*Police Speed check area*". I have approached these signs on the basis that they would be fully visible to passing motorists, even though on the day of my visit the one opposite the junction with Woodthorpe Lane was entirely covered by vegetation. The appellants suggest that the signs, along with the junction with The Russets, may influence the behaviour of drivers to be more cautious but this must be a matter of conjecture. The only clear evidence that would demonstrate this would be through an analysis of a speed survey. Besides, drivers of vehicles coming towards the site from the south are approaching downhill just having negotiated the end of a 40 mph speed limit. Adjusting their speed may well take some time.
15. I therefore find on the second main issue that as the proposed development would be harmful to the interests of highway safety, it would be contrary to WDLP Policy LP27. It would also be contrary to the Framework which indicates that development can be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
16. My findings on the main issues are decisive to the outcome of this appeal. The environmental objective for sustainable development, as set out in the Framework, would not be fostered given the harm I have found under the main issues. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR