

Appeal Decision

Site visit made on 17 September 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/E2001/W/23/3333487

Rose Cottage, Kilpin Ponds, Kilpin, Howden, East Yorkshire DN14 7TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Daniel Wilbourne against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/02806/PLF.
 - The development proposed is erection of 2m high fence to front boundary (resubmission of 23/01295/PLF).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the appeal form and decision notice as this accurately describes the proposed development.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

4. The main issues of the appeal are the effect of the proposed development on:
 - The character and appearance of the site and surrounding area; and
 - Highway safety

Reasons

Character and appearance

5. The appeal site relates to land at Kilpin Fishing Ponds located to the north of Howdendyke Road covering a lengthy frontage which is highly visible within the street scene. The proposed development seeks planning permission for the erection of a 2-metre-high fence along the southern boundary of the site, parallel to Howdendyke Road. At my site visit, I observed a boundary treatment in situ comprising a timber fence although this is understood to

relate to a previously refused scheme. Prior to this, the boundary was understood to have been made up of hedges, shrubs, and trees.

6. The surrounding area is predominantly rural, with some dwellings along Howdendyke Road. At my site visit, I observed the existing boundary treatments nearby where the boundary treatments along this part of the road tend to be either low fences and walls or hedgerows and open boundaries to fields. This creates a pleasing appearance and sense of openness and spaciousness within the street scene which contributes positively to the character and appearance of the area and its overall rural setting.
7. The proposed development would however result in a lengthy boundary treatment close to the main road which by virtue of its overall siting, design, height, and excessive length would be visually prominent and incongruous in comparison to other boundary treatments in the area. As a result, it would erode the positive character of the street scene created by the softly landscaped frontages in this rural setting.
8. I acknowledge that the proposed fence would be 2 metre in height with the lower part being horizontal close boarded fencing with the upper 1 metre being green coloured steel mesh. This would allow some views through to the site from the upper part of the fence. However, it would still introduce a stark boundary treatment which is wholly uncharacteristic of the area and fails to relate well to the site.
9. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would therefore be contrary to Policies ENV1 and ENV2 of the East Riding Local Plan Strategy Document, 2016 (ERLP) which together, amongst other matters, seek to ensure that development proposals contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction, and use. For the same reasons, the proposed development would also be contrary to paragraph 135 (c) of the Framework which ensures developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. It would also fail to comply with Policies C1 and I1 of the National Design Guide which supports development which understands and relates well to the site, its local and wider context and respond to existing local character and identity.

Highway safety

10. The location of the boundary treatment in relation to the main road and overall alignment would mean that the fence to the right of the access would restrict the intervisibility between vehicles exiting the site and vehicles travelling along the public highway. Based on the evidence before me which lacks information in relation to visibility coupled with my own observations onsite, I cannot conclude with certainty that the fence would not have an unacceptable impact on highway safety.
11. Accordingly, I conclude that the proposed development would have an unacceptable impact on highway safety and thus would be contrary to Policy ENV1(B.9) of the ERLP which amongst other matters, promotes equality of safe access, movement, and use. For the same reasons, the proposed

development would also be contrary to the guidance contained within the Framework relating to promoting sustainable transport.

Other Matters

12. I have taken account of the appellants' desire to make the pond more secure and note the changes made from previous proposals as well as matters relating to maintenance. However, this would not outweigh the harm identified or alter my findings on the above main issues. There is also no evidence before me to suggest that matters relating to safety/security could not be achieved by a scheme that would be less harmful to the character and appearance of the area particularly given that the boundary was understood to have been made up of hedges, shrubs, and trees previously which provided screening and safety for the site.

Conclusion

13. The development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR