



Appeal Decision

Site visit made on 8 October 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th OCTOBER 2024

Appeal Ref: APP/F4410/C/24/3341140

33 Scaftworth Close, Bessacarr, Doncaster, DN4 7RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Jamie Walker against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The notice was issued on 29 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission have erected a boundary treatment consisting of a wall, fence panels and a gate exceeding 1 metre in height adjacent to the highway on the Land.
 - The requirements of the notice are to (i) reduce the height of the unauthorised boundary treatment in the approximate position marked in blue on the attached plan, to no higher than 1 metre above ground level and (ii) following compliance with step (i), permanently remove the resultant materials from the Land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issues

2. An appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issues are the effect of the development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

3. The appeal property is detached and falls within a cul-de-sac of similarly well-proportioned detached dwellinghouses which are positioned in a linear form and set back from the highway with noticeably open intervening driveways, some of which also include landscaped front gardens. There is a sense of cohesive spaciousness to the front of the dwellinghouses in the cul-de-sac and this adds positively and distinctively to the character and appearance of the area.

4. The breach of planning control relates to the erection of a brick wall with timber infill panels which encloses the front amenity space of No. 33 Staftworth Close. Owing to its height, position, and extent, I find that it has a dominating impact when experienced within the street-scene. It departs unacceptably from the open and landscaped front amenity spaces that are appreciated elsewhere in the cul-de-sac. Consequently, I find that the development constitutes poor design to the detriment of the character and appearance of the area.
5. For the above reasons, I conclude that the breach of planning control does not accord with the design, character, and appearance requirements of policy 41 of the adopted 2021 Doncaster Local Plan 2015-2035 (LP) and chapter 12 of the National Planning Policy Framework 2023 (the Framework).

Highway safety

6. Given the height and position of the unauthorised boundary treatment, it unacceptably impedes vehicular sightlines for those leaving both the host property driveway and those driveways at Nos. 31 and 35 Scaftworth Close. In this regard, there is direct conflict with the Council's South Yorkshire Residential Design Guide 2011 (SYRDG) which states '*visibility splays of 2.0 x 2.0 metres may be required where a private (3.3 metres) drive joins the back of footway in the interests of pedestrian safety. These should be kept clear of obstructions over 900mm in height*'.
7. The appellant does not dispute that the visibility splays required by the SYRDG have been impeded, but nonetheless contends that as the driveways are positioned off a cul-de-sac (i.e., a no through road), an accident is unlikely. I find that the probability of an accident remains high irrespective of the fact that the breach of planning control is positioned off a cul-de-sac. Pedestrians are still likely to use the pavement irrespective of the fact that the street is a cul-de-sac. Therefore, conflict between vehicles and pedestrians remains a possibility owing to the height and position of the boundary treatment. I find that in its current form, the boundary treatment has an unacceptable impact upon highway safety.
8. For the above reasons, I conclude that the development does not accord with the highway safety requirements of policy 13 of the LP, paragraph 115 of the Framework, and the SYRDG.

Other Consideration

9. I am mindful that the notice does not require the total removal of the unauthorised boundary treatment. It merely requires it to be altered so that it is no higher than 1 metre above ground level. The Council has presumably decided to underenforce given the permitted development fallback position under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
10. I accept that the requirement of the notice may mean that the frontage of the appeal property continues to be enclosed, unless of course the appellant opts to remove the whole of the boundary treatment. However, at a height of up to one metre it would not appear as dominant or intrusive in the street-scene and, furthermore, sightlines would not be impeded to the same unacceptable

extent. Consequently, this is not a matter that alters or outweighs my conclusions on the main issues.

Conclusion

11. The development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR