



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/X4725/D/24/3348064

63 Wakefield Road, Pontefract, Wakefield WF8 4HW

- 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 Ms Sally Lazenby against the decision of the Wakefield Metropolitan District Council.
 - The application Ref 23/01875/FUL.
 - The development proposed is erection of boundary fence and gates.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of boundary fence at 63 Wakefield Road, Pontefract, Wakefield WF8 4HW in accordance with the terms of the application, Ref 23/01875/FUL and the plans submitted with it.

Procedural Matter

2. At the time of my site visit, I saw that the development was in situ. I also note that the application has been submitted retrospectively, I have dealt with the appeal on this basis.
3. In the interests of clarity, I have included 'and gates' into the description of development. The amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

5. 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

6. The site is in a predominantly residential area. Boundary treatments in the locality vary. I noted during my site visit that there were no other boundary fences or gates of a similar design to the development however I did observe fences of a similar height in the vicinity.
7. The fence is approximately 1.8m in height comprising grey composite panels. The Council confirm the side and rear fence is permitted development.
8. The height of the as constructed gates is obvious in the streetscene, however they are viewed in the context of the side boundary fence. Given the Council confirm that the fence is permitted development I give significant weight to the fallback position. Whilst noticeable the gates are not stark when viewed alongside the side boundary fence.
9. I conclude that the development does not harm the character and appearance of the area there is no conflict with relevant requirements of Policies SP23 and LP56 of the Wakefield District Local Plan 2036 (the Local Plan) which seeks amongst other things that developments are appropriate to their location.
10. There is no conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Highway Safety

11. The Council contend that the access gates would obstruct driver and pedestrian visibility along Wakefield Road. I note that the gates open inward and are in a relatively similar position to the vehicular access on the 'before and after development comparison' photographs contained in the appellant's Appeal Statement. The appellant confirms that the access has been widened and the angle of the access has been altered.
12. The appellants photographs show the existing wall, railings and the mature hedge fronting the appeal site which I observed during my site visit.
13. The gates are close boarded and higher than the front wall and railings, however even if the gates were lower, the front boundary currently restricts visibility. I find that the development does not exacerbate the former situation in terms of visibility.
14. I conclude that the development does not harm highway safety and there is no conflict with Policy LP27 of the Local Plan seek amongst other things to ensure that development provide suitable access to and within the development whilst not presenting an unacceptable impact on highway safety, or severe residual cumulative impacts on the surrounding highway network.
15. There is no conflict with the Framework which seeks to ensure developments have an acceptable impact on highway safety.

Conclusion

16. For the above reasons I conclude that this appeal should be allowed.
17. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.

C Pipe

INSPECTOR