



Appeal Decision

Site visit made on 23 October 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/G4240/D/24/3350291

2 Alder Drive, Stalybridge, Tameside SK15 3GH

- 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 Alan Smith against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00411/FUL.
 - The development proposed is new boundary fence to replace hedge.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the application form. However, I have removed superfluous words which are not acts of development.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and area; and (ii) the effect on highway safety, with particular regard to visibility.

Reasons

Character and Appearance

4. Alder Drive is within a predominantly residential area and is a housing estate with dwellings being mainly two-storey detached with a variety of styles but incorporate similar features which are replicated around the estate. Most boundaries to the front and side of properties are of an open plan appearance and dwellings directly sited on junction/corner plots have limited fencing with the majority having low boundary treatments with planting and vegetation. This gives the immediate street scene and Cypress Oaks a pleasant soft-landscaped appearance of open character and in parts a verdant appearance.
5. The appeal site relates to a two-storey detached dwelling located in a prominent position at the corner of Alder Drive and Cypress Oaks with a front driveway and an existing enclosed boundary to the side with high brick pillars and timber fence panels which extends around the front and along the side area where it meets to the rear with No.1 Rowans Close.
6. The proposed wood fence and brick pillars would run for a considerable length enclosing the remaining grassed area and wrapping around the side to the

front of the house. Given the proposed height, length and prominence of the fence combined with the open nature of this part of the estate and the loss of the established boundary hedge. It would form a large, obtrusive, and incongruous feature highly visible in the street scene, directly sited alongside the pavement which would be at odds with the immediate prevailing character.

7. I would disagree that the planting of hedges around the estate, existing architecture, or layout results in the loss of the open plan aspect, and the proposed fence and pillars would result in a substantial and notable development in comparison to any hedges. I have been referred in support of the appeal to other fences in the area, nonetheless I do not have the precise circumstances of these to establish they are directly comparable to the proposal, and those I saw were limited in scale, and mostly set back from the highway with intervening planting.
8. For the reasons given above, I conclude that the proposal would cause modest harm to the character and appearance of the host dwelling and wider area. It would be contrary to Policies C1 and H10 of the Tameside Unitary Development Plan, 2004 (UDP), and JP-P1 of the Places for Everyone Joint Development Plan, 2024. Taken together amongst other matters these policies ensure developments are designed to respect surroundings and acknowledge the local character including boundary treatments.
9. It would also be further contrary to the National Planning Policy Framework, and the National Design Guide, which amongst other considerations requires developments that should function well and add to the overall quality of the area including local character and being visually attractive.
10. Furthermore, the proposed fence would be at odds with the Tameside Residential Design Supplementary Planning Document, 2010 (SPD) Policies RED21 and RED1, relating to acknowledging character and requires at section 2.26 boundary treatments higher than 1 metre should have an element of transparency and wooden panel fencing should not be used at road frontages.

Highway Safety

11. Policy RED12 of the SPD sets out that vehicular access to your property from the road maintains adequate levels of highway safety, and it is important drivers leaving your property can see, and be seen, by other road users. It states this is achieved by ensuring that areas either side of the access are kept clear of anything higher than 0.6m.
12. The Local Highway Authority (LHA) have objected to the proposal in that the proposed fence line would restrict visibility for vehicles at the junction of Alder Drive and Cypress Oaks. The LHA require an unobstructed view of 2.4m back along the centreline of Alder Drive and 33m along the kerb line with Cypress Oaks with nothing higher than 600mm within that visibility splay.
13. However, given where the fence line would finish alongside the pavement, as annotated on the site plan in orange, and it would be inset to the front garden and driveway access connecting the front of the house. I consider that there would be very limited impact on highway safety for any vehicles exiting the driveway at No.2 and pedestrians using the pavement at this point to cross between the junctions. Moreover, the SPD guidance solely relates to access to

your property and not existing highway junctions. Therefore, I do not find it to conflict with Policy RED12 and its guidance.

14. Nevertheless, on the absence of sufficient measurements or accurate sight lines being demonstrated that suitable visibility splays can be achieved by the position of proposed fence along the pavement and its considerable height at 1.8m. I cannot be certain the proposal would not cause some concern or unobstructed views for vehicles at the junction of Alder Drive to adjoin onto Cypress Oaks. I consider this potentially could result in vehicles having to edge forward due to the position and height of the fence into the carriageway to ensure they had safe egress which would not be acceptable in highway safety terms.
15. Matters pertaining to the entrance road at Huddersfield Road to Cypress Oaks or other areas of Tameside with high boundaries are not comparable or the concerns for highway safety at these points are not within my remit in the decision and a matter for the relevant jurisdiction.
16. In the absence of substantive evidence to the contrary, I am unable to conclude there would be no adverse harm to highway safety, with regard to visibility for vehicles and/or users of the highway junction itself. I, therefore, conclude that the proposal would be contrary to Policy T1 and of the UDP, which require development schemes to improve safety for all road users, improve road and community safety especially in residential areas.
17. I have not found that the proposal would be contrary to Policies C1 or H10 of the UDP regarding highway safety, as these relate to the design of proposed housing estates and character and appearance.

Other Matters

18. I acknowledge that the fence would provide privacy for the appellant, they wish to improve the look of their property, there is no impact to amenity of neighbours and the lack of objections from local residents, but these matters do not outweigh the harm to the street scene or highway safety. Furthermore, I have no substantive evidence that there is any anti-social behaviour in the area with people congregating and paraphernalia being left within the appeal site or that there are no alternatives to maintaining the existing hedge and security. In any event, the appeal is determined on its individual circumstances on evidence before me.
19. The appellant has raised some concern regarding the handling of the planning application and revisions, however these matters do not affect the precise circumstances of the appeal scheme.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal should be dismissed.

KA Taylor

INSPECTOR