



Appeal Decision

Site visit made on 18 February 2025

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/R3515/D/24/3357660

48 Winchester Way, Ipswich, Suffolk, IP2 9YF

- 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 Lady Barbara Buchan against the decision of Ipswich Borough Council.
 - The application Ref is IP/24/00606/FUL.
 - The development proposed is described as 'retention of boundary wall to the front garden'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework), and further revisions, have been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.

Main Issue

3. The main issue is the effect of the development on highway safety, with particular reference to pedestrians.

Reasons

4. The appeal site is located towards the end of a cul-de-sac in a residential area. There is a dropped kerb which spans a turning head outside of the appeal property and 46 Winchester Way (No.46), and which serves both properties. This dropped kerb forms part of the pavement along the northern side of Winchester Way. It links to a footway at the end of the cul-de-sac, which is part of a network within a green open space, and leads to the residential area beyond.
5. The wall the subject of this appeal is in place. It was apparent at the appeal site visit that its height at the back edge of the footway restricts visibility for vehicles exiting the driveway of No.46. Traffic speeds are likely to be low at the end of the cul-de-sac, but there would be some traffic arising from the use of the turning head. However, whilst I consider the risk of vehicle-to-vehicle collision arising from the development is likely to be low, the potential impact on pedestrians is greater.
6. The appellant advises that the footpath connection dictates that most pedestrian movement is on the southern pavement of Winchester Way. This may be so, but pavements line both sides of the road. I accept that pedestrians are more likely to

cross from the northern footway to the southern side to reach the path beyond the cul-de-sac, rather than to walk around the turning head. However, whilst that may be a 'desire line', the dropped kerb in front of Nos. 46 and 48 forms part of the planned footway, and it cannot be assumed that it will not be used for that purpose; some pedestrians may be more inclined to follow the route of a made-up footway rather than to cross a road at a non-designated crossing point.

7. In the consultation response to the application, Suffolk County Council as highway authority advised that the height of the wall would hinder the pedestrian visibility for a vehicle exiting the driveway of No. 46. It is understood that the wall has replaced a low fence, and the height and solidity of the replacement wall would have significantly reduced visibility of the footway for drivers exiting No.46.
8. At the time of the midday, midweek appeal site visit, the footpath into the open space appeared to be a reasonably well used route. Given that this is a residential estate where there is likely to be pedestrian activity, I consider that the potential conflict between pedestrians and vehicles leaving No.46 is sufficiently high to constitute harm to highway safety. Although vehicles may not be leaving the property at speed, a driver would not be able to see a pedestrian on the footway without first encroaching onto the path, nor vice versa. I do not share the appellant's view that the house wall of No.44 has more impact on visibility, as any pedestrian approaching from that direction would be facing the driveway of No.46, and clearly visible to exiting drivers. The wall may not have caused any incidents or accidents since its construction, but risk should be prevented by design.
9. The appellant has identified examples of carports and other developments in the local area. I saw that some of these examples include tall walls close to pavements, and which would restrict visibility in a similar manner to the appeal scheme. None appear to have been recently built, and it is not known what highway safety standards were in place when constructed. As such, these examples offer limited support to the appeal, as they have the potential to cause their own risks to highway safety. Some examples identified appear to include chamfers for visibility splays, and therefore do not pose the same risks.
10. I appreciate the intention of creating a secure and escape-proof boundary for dogs, but as the front of the driveway is open, it is not evident that a lower wall to achieve visibility would compromise this aim. Lowering the wall may not give a clear view of the dropped kerbs, as suggested, but it is not necessary to see the ground level to view pedestrians on the footway.
11. I therefore conclude that the wall has the potential to harm pedestrian highway safety, and would conflict with Policy DM21 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review 2022, which amongst other criteria seeks to ensure that development does not result in unacceptable impacts on highway safety, and provides safe and suitable access for all users. This reflects the requirements in the Framework for applications for development to create places that are safe and secure and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR