
Appeal Decision

Site visit made on 10 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH November 2021

Appeal Ref: APP/X1925/D/21/3279140

2 Chapel Road, Breachwood Green SG4 8NU

- 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 Mr Paul Ashby against the decision of North Hertfordshire District Council.
 - The application Ref 21/01335/FPH, dated 26 April 2021, was refused by notice dated 9 July 2021.
 - The development is installation of a wooden 1.8m high fence for security and privacy purposes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision letter describes the boundary fence as retrospective. It is clear from the evidence provided and my site visit that the boundary fence had been erected abutting the back edge of the public footpath along the front of the site. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the boundary fence on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site comprises of a two storey dwelling that occupies a prominent corner plot at the junction of Chapel Road and Colemans Road within the settlement of Breachwood Green.
5. Chapel Road is a mature well-established residential street characterised by a mixture of properties of varied styles and design within relatively spacious landscaped plots. The setting is spacious, green and sylvan with mature trees, wide verges, boundary hedges and attractive mature gardens visible from the street. Where boundary walls and fences exist in front of the adjacent properties, these are generally low, clearly subsidiary, and have little impact upon the sense of openness, which add to the open and verdant character and appearance of the street scene.

6. The scale, layout and form of the 1.8m high timber fence results in a significant addition in this location. Such positioning, close to the back edge of the footpath, is out of character with the generally more modest boundary walls/fences found in the area and compromises the sense of space and openness in the area.
7. These shortcomings would be exacerbated by the boundary fence's prominent position which is visible from a number of public vantage points along Chapel Road and Colemans Road. I therefore consider that the boundary fence, by virtue of its scale, siting and design, results in an incongruous and out-of-keeping addition that adversely harms rather than positively contributes to the character and appearance of the area.
8. I have considered the appellant's arguments that the design and layout of the boundary fence has been carefully considered in order to provide additional security and privacy to the site and to minimise any adverse impacts on the area. However, whilst the use of materials and the boundary landscaping would assist in integrating the development with the area, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the boundary fence has a harmful effect on the character and appearance of the area. It is contrary to the overall aims of Saved Policy 57 of the North Hertfordshire Local Plan No.2 with Alterations 1996 (Saved Policies 2007) that, amongst other things, seek to ensure that development achieve the highest standard of design that relates to and enhances their site and the character of the surroundings. In addition, the development does not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 130).

Highway safety

10. The boundary fence includes the retention of the existing vehicular access from the car hardstanding at the front of the adjacent property at No. 6 Chapel Road (No.6) onto the public highway where a 30mph speed limit applies. The road in the vicinity of the access has a wide and slightly curved alignment with narrow footpath provision.
11. For this class of road and speed limit, the Local Highway Authority recommends a minimum pedestrian visibility splay of 2.0m x 2.0m should be provided on either side of the accessway. The Local Highway Authority have objected as the development does not meet these requirements. Paragraph 110 of the Framework states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
12. From the evidence provided and from my observations on site, I consider that this section of Chapel Road is neither safe nor suitable to cater for the traffic movements from the adjacent property at No.6. Due to the current configuration of the site and the access arrangements, the position of the 1.8m high boundary fence close to the back edge of the footpath allows insufficient visibility in a northerly direction for vehicles to enter and leave the car hardstanding at the front of the adjacent property safely, leading to the

increased potential for conflicts between traffic and cyclists or pedestrians in the vicinity of the site.

13. Consequently, I conclude that the boundary fence does have an adverse effect on highway safety. It does not accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 108), highway safety (paragraph 109) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 110).

Other Matters

14. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal scheme. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the fence on the area and is not a determinative factor on its own.
15. I note the appellant's comments regarding the various benefits arising from the fence including the scheme's high quality design, the improvements to security and privacy and the previous fence and gate on the site. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR