The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2011

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2011

Appeal Ref: APP/H1033/D/11/2155646
15 Heath Grove, Buxton, Derbyshire SK17 9EH

- 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 Conrad Taylor against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0086, dated 8 February 2011, was refused by notice dated 13 April 2011.
- The development proposed is to erect fence, garage and carport.

Decision

1. The appeal is dismissed.

Procedural matter

2. The proposed development is partially complete in that the close-boarded fence has been erected on top of the boundary wall, the carport appears to have been largely constructed, and wooden supporting posts have been installed for the garage. These elements of the proposal appear to be broadly in accordance with the plans submitted with the application.

3. For the avoidance of doubt, my reference to the fence relates to that section which forms part of the application.

Main issues

4. The main issues are the effect of the proposal on the character and appearance of the local area and on highway safety for users of Heath Grove and Sherwood Road.

Reasons

5. The appeal property, 15 Heath Grove, is an attractive, substantial 3-storey, dwelling that occupies a prominent corner position at the junction of Heath Grove and Sherwood Road. While a variety of traditional stone walls, fences, hedgerows and open frontages mark the highway boundaries of properties close to No 15, these features are generally low level. Taken together with the open space on the north side of Heath Grove, these features generally create a relatively open feel to the local street scene.

6. The fence sits on top of the traditional stone boundary wall and extends across much of the site's highway frontage. Although such boundary features are not an uncommon feature in residential areas, the considerable height of this fence and its prominence cause it to appear as a solid, formal barrier when viewed from the adjacent highways, in contrast with the more informal, low key frontages that predominate in the local area. As a result, it is an obtrusive addition to the local street scene.

7. Like the existing shed, the proposed carport and garage would be positioned close to the existing dwelling and project significantly above the boundary fence. This would be evident when viewed from Heath Grove. From varios vantage points along this road, these elements of the proposal would appear cramped given that the proposed built form would sit uncomfortably close to the existing shed and lie just behind the boundary fence. Moreover, by occupying much of the confined space adjacent to the existing dwelling, the proposed carport and garage would detract from the setting of No 15. They would be uncharacteristic additions to the local area where the highway frontages of nearby properties are generally free of built development.

8. In reaching these conclusions, I accept that within the site there are limited options to relocate the proposed garage and carport to a more acceptable position and that the proposed carport would have an open timber frame. I also acknowledge that the appellant has sought to improve the appearance of the appeal property through the removal of the hedgerow that previously marked the site's highway frontage. While there are boundary fences to existing properties in the local area, none appear to be comparable in position, height and have the same prominence in the local street scene as the proposal.

9. I therefore conclude that the proposal would significantly harm the character and appearance of the local area, in conflict with Policies BC1, GD4 and H14 of the High Peak Local Plan (LP). These policies seek to ensure that development proposals are sympathetic to the character and appearance of the original building and the surrounding area.

Highway Safety

10. The height, length and position of the fence along the back edge of the footway cause it to restrict the view of oncoming users of Heath Grove and Sherwood Road when viewed from the vehicle access points to the site. Specifically, for motorists exiting the site, the fence, including the section that does not form part of the proposal, partially obscures the view of footway users approaching from the east along Heath Grove and from the north along Sherwood Road. Notwithstanding, the vehicle entrances to the site are clearly demarcated with posts and dropped kerbs and I saw that the access arrangements to the site are similar to many properties in the local area. In that context, users of these highways, particularly pedestrians, would be generally aware that motorists could exit the site with limited visibility, especially looking towards the junction of Heath Grove, Sherwood Road and Kent's Bank Road. On balance, I doubt that vehicles manoeuvring across the footway to enter and exit the site in this case would pose a significant risk to highway safety.

11. I therefore conclude that the proposal is acceptable in terms of highway safety for users of Heath Grove and Sherwood Road and would not conflict with LP

Policy TR5. The underlying aim of this policy is to ensure that development provides for safe and adequate access. My finding on this issue does not outweigh the harm that I have identified in relation to the effect of the proposal on the character and appearance of the local area.

Other matters

12. I have little doubt that the fence improves the security and privacy for the occupiers of the appeal property and that it helps tackle problems including theft and litter. While I have some sympathy for these requirements, they do not outweigh the harm that I have identified.

Conclusion

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

Gary Deane

INSPECTOR