



The Planning
Inspectorate

HAVANT BOROUGH
COUNCIL

07 NOV 2011

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Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

Miss Karen Wooden
Havant Borough Council
Business Development & Support
Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref:

Our Ref:

Date:

APP/X1735/A/11/2154227/NWF

3 November 2011

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Miss Lesley Treleven
Site at 20 London Road, Widley, Waterlooville, PO7 5BS

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Ruthe Nattee

Ruthe Nattee

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Appeal Decision

Site visit made on 27 October 2011

by **Les Greenwood BA(Hons) DipTP MRTPI**

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

Decision date: 3 November 2011

Appeal Ref: APP/X1735/A/11/2154227

20 London Road, Widley, Waterlooville, Hampshire P07 5BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss Lesley Treleaven against Havant Borough Council.
 - The application Ref APP/11/00094, is dated 26 January 2011.
 - The development proposed is for 2m fencing to the front boundary.
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Procedural matter

1. The fence is in place and the description of the proposal given on the appeal form refers to its retention. 'Retention' of a fence is not in itself an act of development and therefore I have omitted this reference above.

Decision

2. The appeal is allowed and planning permission is granted for 2m fencing to the front boundary at 20 London Road, Widley, Waterlooville, Hampshire P07 5BS in accordance with the terms of the application Ref APP/11/00094, dated 26 January 2011, subject to the following condition:
 - 1) Within 3 months of the date of this permission the fence panels at the north-western corner adjoining the drive shall be re-sited to provide a visibility splay to the adjacent public footway from a point 1.0m into the site from the back of the footway along the line of the existing fence and extending 1.0m in a southerly direction along the back of footway from the line of the existing fence. No structure or erection exceeding 0.6 metres in height shall thereafter be placed within the visibility splay so defined.

Main issue

3. The main issue is the effect of the proposal on the safety of users of the public footway adjoining the site access.

Reasons

4. The appellant states that the fence replaced a 1.2m high fence, but I have seen no clear evidence of this. The existing fence is a substantial structure, sitting at the back of the footway to the busy A3 London Road. It is positioned tight
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- up to the side of the drive to No 20, so that it blocks the view of the footway for any driver exiting, particularly if the car is close to the appeal fence. As the drive is shared with No 22, there is a good chance that at times, cars leaving would be forced over next to the fence, where they would emerge without the driver having sufficient vision of the footway.
5. I find that the fence as existing does therefore prejudice the safety of highway users. I note that there are some other similar front boundary fences and walls in the area, but most of these have cut corners to allow visibility. The few that do not would not justify new, unsafe development.
 6. It is now necessary to consider whether the matter can be resolved by the use of condition(s). The Council has (without prejudice to its case) suggested a condition requiring the section of fence at the junction of the drive and the footway to be reduced to 1.2m in height. The advice in *Manual for Streets*, however, is that eye height for car drivers is assumed to be as low as 1.05m, and that drivers need to be able to see obstructions from 2m down to 600mm in height, in order to ensure that small children in particular can be seen. This means that reducing the fence to 1.2m high as suggested would not satisfactorily address the problem.
 7. Both the appellant and the Council, in its statement, have referred to the possibility of creating a small vision splay at the site entrance. Although neither the Council nor *Manual for Streets* has a specific standard for this, the Council suggests 1m by 1m. This would provide a reasonable degree of intervisibility between drivers and footway users, without requiring a substantial alteration of the fence. It appears to me to be appropriate, necessary and sufficient to deal with the identified safety issue.
 8. Subject to a condition requiring the timely alteration of the fence to provide a cut corner visibility splay, I conclude that the proposal would not prejudice the safety of users of the public footway. The proposal therefore accords with the aim of Planning Policy Guidance Note 13 *Transport* for people to be able to travel safely whatever their chosen mode.
 9. Visibility to the adjacent carriageway, including the cycleway, appears to be satisfactory. High front boundary fences and walls are a commonplace feature on this part of London Road and the fence as now coloured does not seem out of character or harmful in that context.
 10. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR