



Appeal Decision

Site visit made on 19 March 2018

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2018

Appeal Ref: APP/C3105/W/17/3191148

Heyford Park Parcel B2A, Camp Road, Upper Heyford OX25 5HA

- 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 Carl Watkins against the decision of Cherwell District Council.
 - The application Ref 17/01466/F, dated 5 July 2017, was refused by notice dated 2 October 2017.
 - The development proposed is the addition of approximately 310m of metal 'field' style railings painted black.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address provided on the appeal form in the interests of accuracy.
3. There is some disagreement between the Council and local residents about whether or not certain properties were occupied at the time the planning application became valid, and therefore whether or not the appropriate consultations took place. However, whilst some residents feel that their views were not taken into consideration at the time that the planning application was determined, further representations which clearly articulate the thoughts and concerns of a number of local residents, both in favour and against this proposal, have been made as part of the appeal process. My view is therefore that there has been sufficient opportunity for local residents to comment on this proposal.
4. The proposed fence was largely in place at the time of my site visit. However, only one opening, as opposed to the two pedestrian gates and three access points proposed, was in place.
5. The appellant argues that the proposed fence represents permitted development as it is less than 1m in height¹. However, the question of whether or not permission is required does not affect the validity of the appeal. Furthermore the addition of a fence in this location was not part of the approved development for this area as set out in the plans and drawings². As such I have determined the appeal based on the evidence provided.

¹ Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

² Relating to outline application 10/01642/OUT, and reserved matters applications 13/01584/REM and 14/01740/REM.

Main Issues

6. The main issues are:

- The effect of the fence on the character and appearance of the area; and,
- Whether the fence is required for public safety, or the perception of safety, and/or for the demarcation of public and private property.

Reasons

Character and appearance

7. The appeal site is located within the former RAF/USAF Upper Heyford airbase, a designated Conservation Area. The fencing runs adjacent to a linear park/sustainable drainage system (SuDS) corridor running north to south between new residential areas.
8. As a former military base set within a rural area a key characteristic is the absence of enclosure, save for the security fencing of the perimeter. As such the approved Design Code relating to the outline planning permission describes the importance of creating 'an attractive and readily accessible green framework which reflects and celebrates the wider landscape and heritage of the site'. Specifically, the linear park/SuDS corridor is described as being 'presented as an informal open space' with 'informal footpath routes allowing pedestrians to stroll through this interesting environment'. Within this area the 'spaces between dwellings and frontage areas are to be largely open'. As such, the approved plans for this area indicate the use of different surface finishes within shared surface streets and spaces, rather than more formal boundary treatments. Therefore, whilst a structure to guide movement through this area has been introduced, this does not detract from the informality and semi-natural appearance of this environment overall.
9. The fencing has a lightweight and open appearance when viewed front on. However, the predominant view of the fencing when walking on the footpath alongside the linear park is from the side. From this angle the extent of the fencing means that it appears as a more solid and eye-catching feature. As a result it interrupts and forms a barrier in what is otherwise an open and spacious green gap. In this sense it has a harmful effect on the purpose of this space in providing an open setting for the significant number of dwellings on both sides of this space.
10. The fence does have a high degree of visual permeability. However its presence has the effect of reducing physical permeability around this area as a result of the restriction to movement along a significant length of the linear park. Whilst the proposed scheme includes additional access points which will match up with pedestrian crossing routes, even with their inclusion this would not fully permit free pedestrian movement in and around this area. Therefore, though the areas on either side of the fencing remain accessible, its presence does not support the principle of well-connected spaces.
11. Similar fencing has been approved for use on the pedestrian links across the linear park³, though was not in place at the time of my site visit. However, the plans indicate that these will be relatively short stretches of fencing which will

³ 16/00083/NMA

not have such a visually intrusive appearance as the appeal scheme. Furthermore, they will have a functional role in channelling movement across the most direct route over the swale. As such the presence of such fencing does not indicate that it is or could become an established part of local character.

12. I therefore conclude that the fence has a harmful effect on the character and appearance of the area. As such it is in conflict with Policies Villages 5 and ESD15 of the Cherwell Local Plan 2011-2031, adopted in 2015, (Local Plan), which seek to promote new development which creates or reinforces local character and distinctiveness within easily understood environments which are easy to move through. These policies also promote layouts which maximise the potential for walkable neighbourhoods within a legible hierarchy of routes, and with a high degree of integration.

Role of fence

i. Safety

13. The linear park contains drainage attenuation basins, with central depressed areas designed to gather and channel a small amount of storm water. The grass banks of the swale area are gently sloped adjacent to the footpath, becoming a little steeper in the central area. Concern is expressed about the banks becoming slippery and dangerous in adverse weather conditions.
14. However, no evidence that this area is inherently unsafe has been presented. The approved plans indicate that this gradient is not significant, that it is to be planted as a wild flower meadow, and also that it has been designed to facilitate good surveillance onto the linear park via dwellings on both sides of this space. The presence of a small amount of water does not in itself signify danger, but rather that this area should be treated with the due care and attention afforded to such features in our local environments, particularly for younger or vulnerable users.
15. In actual fact, the position of the fencing between the road and footpath serves little purpose in restricting access to this area for footpath users. Its stated purpose in improving safety for the users of this area is therefore undermined.
16. The approved fencing over pedestrian crossing points will be over areas where, at particular points, sharp changes in level are more apparent. The circumstances of these cases are therefore not directly comparable.

ii. Demarcation of public and private property

17. The linear park/SuDS corridor has been designed as an inclusive environment with open frontages. Specifically the Design Code describes how the shared surfaces of access lanes and private drives with traditional block paving and bound gravel are designed to accommodate pedestrians and vehicles alike. This informal appearance is designed to ensure that vehicle speeds are kept to a minimum. In this way the approved scheme complies with the requirement of the National Planning Policy Framework at paragraph 69 to create 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'.

18. As the fence divides the foot path and access roads, including the parking bays located parallel to the footpath, its addition undermines the principle of inclusive public areas. In such areas people should be permitted to walk along the access roads as well as footpaths. This in itself has the effect of reducing vehicle speeds and increasing safety. Whilst this may mean that pedestrians walk close to the front of some properties, this is the nature of an inclusive and safe public realm. I recognise that this area is accessed not only by residents of properties fronting onto the park, but also local school children and people accessing the LEAP and others, and that such usage is likely to increase as the settlement develops. However, it is unlikely that this would be to a significant or unacceptably intrusive degree.
19. Finally, whilst local residents refer to privacy concerns, the scheme has been designed to promote the distinction between public and private space by ensuring that private gardens are generally not exposed or visible. Whilst the railings may assist in preventing people from straying off the footpath onto the 'private drive' areas, such provision does not support the principle of the shared surface and the 'largely open' approach to landscape design in front of the linear park/SuDS corridor set out in the Design Code.
20. I therefore conclude that the fence is not required for public safety, or the perception of safety, and/or for the demarcation of public and private property. In this regard its introduction conflicts with the Local Plan Policy ESD15 which seeks to create high quality multifunctional streets.

Conclusion

21. I have found that the fencing has a harmful effect on the character and appearance on this area. Having regard to its location within a Conservation Area, this scheme has resulted in less than substantial harm to the significance of this designated heritage asset. However, the suggested public benefits of the proposal, including safety and the demarcation of public and private space, do not outweigh this harm.
22. The proposal would not accord with the development plan taken as a whole and there are no other material considerations to outweigh this finding. So, for the reasons given above, the appeal is dismissed.

AJ Mageean

INSPECTOR