

Appeal Decisions

Site visit made on 6 September 2016

by Joanne Burston BSc MA MRTPI

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

Decision date: 21 September 2016

Appeal A: APP/M3455/D/16/3153987

23 Bergamot Drive, Meir Park, Stoke on Trent ST3 7FD

- 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 A Kilincarslan against the decision of Stoke-on-Trent Council.
 - The application Ref 59922, dated 3 June 2016, was refused by notice dated 4 July 2016.
 - The development proposed is the reduction of boundary wall from 2-2.5 metres to approximately 1.98 metres (part retrospective).
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Appeal B: APP/M3455/D/16/3153992

23 Bergamot Drive, Meir Park, Stoke on Trent ST3 7FD

- 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 A Kilincarslan against the decision of Stoke-on-Trent Council.
 - The application Ref 59915, dated 3 June 2016, was refused by notice dated 4 July 2016.
 - The development proposed is described as *the retention of boundary wall (retrospective)*.
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Decision

1. Both Appeal A and Appeal B are dismissed.

Preliminary Matters

2. There are no powers under the Town and Country Planning Act 1990 (as amended) for granting planning permission for retention, since this does not constitute an act of development as defined under section 55 of the act. I shall therefore treat Appeal B as an application made under section 73A of the 1990 Act for development already carried out.
3. As I saw on my site visit a boundary wall, railings and fence panels as set out on drawing ref: EPPE BD 23 2A were already in place. Therefore I have treated Appeal B as seeking retrospective planning permission.

Main Issue

4. The main issue in both appeal A and B is the effect of the development on the character and appearance of the area.

Reasons

5. The site is located in a residential area, at the end of Bergamot Drive a no through road, on a plot containing a moderately sized detached two storey
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dwelling. The two roads that bound the property include Bergamot Drive and Lysander Road. Lysander Road is a spine road providing access to the southern part of the Meir Park estate.

6. The local area supports dwellings of similar age and style. Boundary treatments along Lysander Road generally consist of hedging and/or low brick walls with intermittent brick pillars, often enclosed by close boarded timber fence panels. Grass verges and hedgerows are also located between the property boundaries and the highway. This provides a continuous soft green buffer between the houses and the road. Individually and collectively, these features contribute to the attractive appearance of the area.
7. I acknowledge that the main body of the wall, in both appeals, is of similar height to other nearby boundary walls. However, the wall and piers in both appeal schemes are capped with stark blue brick capping which does not reflect the materials used in the external surfaces of the host dwelling and which stands out very prominently in the street scene. Additionally, in between the piers, towards the western extent of the appeal site are metal railings which, because of their height, are also very prominent and draw the eye. The combination of the brick piers, the capping and the metal railings results in the wall appearing unduly tall and prominent in the street scene, to the extent that it stands out as an incongruous feature which is significantly at odds with the prevailing character and appearance of this part of Lysander Road. Whilst the appellant states that the appearance of the boundary treatment could be softened with landscaping, this would be insufficient to mitigate the harmful impact of the appeal schemes.
8. I note that the appellant benefits from planning permission¹ for a new boundary wall and garage. This boundary wall would be some 1.3m in height, behind which would be a laurel hedge. However, the design of this wall, omitting the piers, fence panels and railings, provides a softer landscaped edge to the appeal site, better reflecting the character of the surrounding area.
9. To conclude on the main issue, the appeal proposals would have a detrimental impact on the character and appearance of the area. Accordingly they conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006- 2026 (2009) and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD) (2010). Collectively these seek to ensure a good quality of design and to safeguard environmental qualities.

Conclusion

10. At the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and it should contribute positively to making places better for people. Therefore, on balance and for the above reasons, I conclude that the wall does not represent sustainable development as sought by the Framework and that both appeal A and B should be dismissed.

Joanne Burston

INSPECTOR

¹ Planning permission reference 59255 refers.