
Appeal Decision

Site visit made on 24 January 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 16th February 2017

Appeal Ref: APP/R0660/W/16/3163244
2 Hornby Drive, Congleton CW12 4WB

- 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 Mrs Helen Tang against the decision of Cheshire East Council.
 - The application Ref 16/3188C, dated 17 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is to erect a low level wall plus fencing to the top within garden boundary. Also to aid in improving visibility on to highway when leaving driveway. Replace existing hedge with new hedge.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the street scene and the character and appearance of the area.

Procedural Matters

3. The new wall and fence have already been erected and the application sought retrospective planning permission for these works.
4. As there was some discrepancy between the Council's appeal statement and the development plan policies cited in the reason for refusal of planning permission the Council was requested to clarify which policies it considers the proposal to be in conflict with and the appellant was given the opportunity to comment on that clarification. I have taken those additional submissions and comments into account in my determination of the appeal.

Reasons

5. The majority of the residential properties on Hornby Row have relatively low height hedges to their boundaries to the street and footway. This is the predominant form of boundary treatment within the street and, in combination with the open plan treatment to the front or side gardens of a few other properties, provides for an open character and an attractive and fairly uniform appearance to the street scene. Where taller brick walls exist these follow the building line of the houses themselves (to enclose a rear garden) and are generally set some distance from the back of pavement behind a side garden and boundary hedge of lower height.

6. The boundary treatment carried out at the appeal site comprises a wall and fence (of about 2 metres total height) standing at the back of the footway and fully enclosing the side garden and associated landscaping. In contrast to the other boundary treatments within the street this is of a hard and solid appearance which is out of character in the street scene. The painted render finish may match the finish on the upper storey of the house but this further marks the wall out as an incongruous treatment since the other garden walls visible from the street have been constructed in brick to match the ground floor finish to the majority of houses on the estate. The use of narrow, horizontal railings to the fence on top of the wall also appears as a discordant feature in the street scene.
7. In my judgement the wall and fence are both out of keeping and are significantly detrimental to the street scene and to the character and appearance of Hornby Drive. Due to the site's location at the junction with Holmes Chapel Road the boundary treatment is prominent in views from outside of the estate and this exacerbates the harm caused to the character and appearance of the area.
8. The appellant has referred to a boundary wall and fence which has been constructed to the front of a house on nearby Parker Way. As I have no information as to the planning history of that boundary treatment I am unable to treat this as a precedent for what might be acceptable at the appeal site. However, the brick finish to that wall is more in keeping with other garden walls in the street and, as the property on Parker Way is not as prominent as the appeal site, the scale of any harm to the character and appearance of the area is much less.
9. I find that the boundary treatment carried out at the appeal property has caused significant harm to the street scene and the character and appearance of the area. Accordingly, the development conflicts with saved Policy GR1 of the Congleton Local Plan First Review (2005) which states that all development will be expected to be of a high standard to conserve or enhance the character of the surrounding area. It also conflicts with Policy GR2 which states that planning permission will only be granted where development meets a number of criteria including that it should be sympathetic to the character and appearance of the surrounding area in terms of matters such as height and choice of materials.

Conclusions

10. The replacement of the previous garden wall and hedge of the property has increased the size of the rear garden area and provides benefit to the appellant in terms of providing a larger area for her children to play. However, this is a wholly private benefit which does not outweigh the harm that I have identified or the resultant conflict with the development plan.
11. For these reasons I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR