
Appeal Decision

Site visit made on 28 March 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 29 March 2017

Appeal Ref: APP/N2535/D/17/3166956

20 Messingham Road, Scotter, Gainsborough DN21 3UH

- 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 Giuseppe Delduca and Mrs Leanne Delduca against the decision of West Lindsey District Council.
 - The application Ref: 134845, dated 14 August 2016, was refused by notice dated 8 November 2016.
 - The development proposed is the erection of garden walls at the front of the property. Wall A – 2m high brick wall running 5.5m along boundary of property bordering Messingham Road. Wall B – 2m high brick wall running 14m along corner front boundary set back from footpath of Messingham Road / Gravel Pit Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed boundary walls on the streetscene and surrounding area.

Reasons

3. The character of Messingham Road / Gravel Pit Road is established by relatively low density housing of varying styles, but with the properties generally set in good sized gardens. The boundary treatments are varied but, in the main, those which can be seen on the same side of Messingham Road as the appeal site are of hedges facing that road. Most boundary treatments in the locality provide for a verdant quality to the area. This is because those boundaries are generally of hedging, or are reasonably low structures allowing views of gardens, or have planting seen above them. There are a few exceptions but these tend to be in less prominent locations. I saw one taller garden wall on the opposite side of Messingham Road but that dwelling and its garden are clearly seen from another public vantage point further along the road and so contribute to the often open, attractive, appearance of the area. As a result, the locality has a pleasant and welcoming character that reflects its location and moderate size as a rural settlement.
 4. The appeal property is situated on a corner at a road junction and so is prominent in the streetscene. As such, the proposed 2m high wall enclosing the front part of the garden would have highly visible position in this area. The height and materials of the proposed wall would result in a harsh, fortified
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- appearance. This would fail to reflect the general sense of spaciousness and the verdant qualities of the surrounding area and would be visually harmful.
5. Even with the relatively busy road, I am not satisfied that the only way to make the garden adequately secure for children to play out is to have such a tall or solid boundary treatment. Nor is such a boundary necessary in order to have a pet.
 6. It may be that the appellants wish to have greater privacy. However, they would have been aware of the open corner location of the site when they purchased the house a few years ago. Some privacy already exists because of the existing planting, and greater privacy might well be achieved by more sympathetic means even if for a smaller area.
 7. Whilst the appellants are concerned that the lack of enclosure results in an increased risk of burglary, there is no evidence to substantiate this. Nor is there substantiated evidence to support the view that there has been an increase in burglaries in the area or that it is due to reduced street lighting hours. In any event, greater openness provides for natural policing as people nearby would observe untoward behaviour. Indeed, the Council notes that Lincolnshire Police recommend that any wall or fence at the front of a house should not exceed 1 metre in height as higher structures and planning reduce visibility and can be counterproductive. I therefore attach limited weight to this matter.
 8. Whilst the boundary may have been made of unattractive materials when the appellants purchased the property, this does not justify allowing a proposal that would be unacceptable in other respects. Further, while the garden soil structure may not be good for planting, making it difficult to establish trees for screening, I am not satisfied that other means or measures to achieve some degree of planting at the property could not be identified or that this justifies boundary walls that would have an unacceptable visual effect.
 9. There have been no objections from neighbours or the Parish Council. Nor have there been any objections on highways grounds. However, these matters do not justify allowing a scheme that would be visually harmful.
 10. The National Planning Policy Framework (the Framework) seeks a high quality built environment and sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Although the appellants consider that the scheme would improve their environment, the proposal would not improve the environment as a whole or improve it for others living within this environment and, as such, I find conflict with the Framework.
 11. I find that the proposal fails to accord with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 which seeks that the character of the area is protected. I have not considered the proposal against policy RES 11 as this relates specifically to proposals for extensions to dwellings located within settlements and there is nothing in the policy or its supporting text to indicate that it should apply to a boundary wall as is proposed here.

12. I also note that the Scotter Draft Neighbourhood Development Plan 2016-2036 (NP) and Central Lincolnshire Local Plan (CLLP) are emerging plans for this area. There is nothing before me which indicates that either document has reached a stage where it should be afforded anything other than little weight. However, in any event, the NP policies would reinforce my decision and I have not been referred to any policies of the CLLP.

Conclusions

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

Zoë Hill

Inspector