
Appeal Decision

Site visit made on 6 June 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/Q3305/D/17/3170716

Saffron, Berkley Road, Frome BA11 2EE

- 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 J Foley against the decision of Mendip District Council.
 - The application Ref 2016/2493/HSE, dated 23 September 2016, was refused by notice dated 11 January 2017.
 - The development proposed is described as a "1.8m high wall between Saffron house and proposed new build property under application 2014/1226/FUL and new 1.8m high wall to the Southern boundary affronting the highway".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent from my visit that some of the walls have been constructed and the appellant has referred to the proposal as part retrospective. Notwithstanding this, I have confined myself to the consideration of the appeal proposal before me, rather than what has occurred on site.

Main Issue

3. The main issue is the effect of the walls on the character and appearance of the area.

Reasons

4. The appeal property is a detached house within a mostly residential area comprising a mix of ages and styles of houses and bungalows. Saffron has a generous side garden that has been severed by a high wall to form a plot for a single dwelling. To the rear of the footway walls of varying heights have been constructed.
 5. Berkley Road is a busy road with residential properties along much of its length. Many of the front gardens of these properties are bordered by low walls, with a number having mature hedges planted behind them. There is a clear demarcation of the public and private realm, with the garden planting giving a verdant appearance to the street scene.
 6. Like many of the other nearby boundaries, the proposed walls to the front of the site would be adjacent to the footway. Nevertheless those proposed would be incongruously different to many of the other boundaries found along Berkley Road. Even with the presence of two gated accesses, the tall height of the
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walls combined with their long length would make them overly prominent within the street scene.

7. Furthermore, the length of the walls would be harmfully exaggerated with the repetition of piers. The use of reconstituted dressed rubble stone and also the side wall joining and continuing the height of the front wall immediately adjacent to the footway, would together have an imposingly formal appearance that would be unacceptably dominating, and at harmful odds with the low walls and hedges that characterise the area.
8. I noted during my visit that the neighbouring property has a tall fence with a conifer hedge above it, and that further along the road there is a high brick wall. As there are a number of differences between these boundaries and the appeal proposal, including that they appear to be of some age, they do not form a direct comparison.
9. The appellant has explained that there is a clear functional need for the walls, as they would minimise noise and increase privacy and security for the occupiers of the houses. These objectives could be achieved through other means, and moreover, the benefits of the proposal to the existing and future occupiers would be modest and would not outweigh the harm I have found.
10. Local residents are concerned that the grant of planning permission would set a precedent for similar schemes. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance.
11. Thus the walls would unacceptably harm the character and appearance of the area. This would be contrary to Policies DP1 and DP7 of the Mendip District Local Plan (2014). These policies seek amongst other things, high quality design that is appropriate to the local identity and context, thereby reflecting an objective of the National Planning Policy Framework in that development should respect the character and distinctiveness of an area.
12. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR