



Appeal Decision

Site visit made on 31 May 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 19th June 2017

Appeal Ref: APP/M0655/W/17/3170948

5 Cinnamon Lane, Poulton-With-Fearnhead, Warrington WA2 0AE

- 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 P Dawson against the decision of Warrington Borough Council.
 - The application Ref 2016/29405, dated 21 November 2016, was refused by notice dated 20 February 2017.
 - The development proposed is demolition of existing boundary wall and construction of new boundary wall.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Warrington Borough Council against Mr P Dawson. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed replacement boundary wall on the character and appearance of the area; and,
 - Whether sufficient information has been provided to enable an assessment of the proposal in terms of its effect on landscape features, including trees covered by Tree Preservation Orders.

Reasons

Character and appearance

4. This residential area is characterised by a range of boundary treatments including hedges, fences, low level walls and railings. Most of these allow visibility of garden areas, including mature trees, which gives the area a pleasantly verdant character. As the appeal property is positioned side onto Cinnamon Lane it has an unusually long road boundary, currently defined by a low wall with fence above. Whilst the height of this boundary treatment rises to the north west, overall, there is good visibility of the property's mature garden trees and shrubs, and the distinctive brickwork and other features of this attractive property.
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5. The proposed replacement boundary wall would be around 2m in height, with slightly lower pedestrian and garage access gates. For the most part the solidity and height of this plain brick wall would dominate local views, effectively screening the garden and much of the property itself from view. The proposal would therefore have an overpowering and stultifying effect on the local street scene, amplified by the length of this boundary, to the detriment of the character of this local area.
6. The appellant refers to security issues and a desire for privacy. Whilst I have some sympathy with these concerns, they do not in themselves justify the provision of a solid wall which would be considerably above average adult height. Similarly child safety and litter concerns could be addressed with a more modest boundary treatment. The appellant also refers to other possible options for the wall. However, I am required to determine the current appeal on the basis of the details before me which I have found to be unacceptable.
7. I therefore find that the proposed replacement boundary wall would have a detrimental effect on the character and appearance of the area. In this respect it would conflict with Policy QE7 of the Warrington Local Plan Core Strategy 2014 (LPCS), which, amongst other things, requires development to reinforce local distinctiveness, and enhance the character and appearance of the street scene.

Trees

8. I understand that one of the trees, a *sorbus*, in the appeal property's garden, and two in the adjacent garden to No 1 Gayhurst Avenue, are protected by Tree Preservation Orders (TPO). Whilst insufficient information was provided at application stage to enable the Council to conclude that the proposal would avoid harm to these trees and other landscape features, an Arboricultural Impact Assessment (AIA) has been submitted with the appeal documentation. This makes recommendations regarding the management of existing protected and other trees within the appeal site and adjacent garden.
9. The submitted AIA suggests that the root protection areas (RPA) of the protected trees in the adjacent garden would not be affected by the development, though I note that this has been updated and measures identified to address concerns about possible encroachment on the RPA's of these trees.
10. Therefore overall my view is that sufficient information has been provided to enable an assessment of the proposal in terms of its impact on landscape features, including trees covered by Tree Preservation Orders. In this respect the proposal would not conflict with the LPCS Policy QE6 which states that the Council will only support development which would not lead to an adverse impact on the environment or amenity of the surrounding area.

Conclusion

11. Whilst I have found that sufficient information has been provided to assess the effect of the proposal on protected trees, I have found that it would have a damaging effect on the character and appearance of the area. Therefore, as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal should not succeed.

AJ Mageean INSPECTOR