

Appeal Decision

Site visit made on 14 July 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/R0660/D/17/3175690

21 Mytton Drive, Nantwich CW5 5UF

- 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 Troy Sterland against the decision of Cheshire East Council.
 - The application Ref 17/1232N was refused by notice dated 28 April 2017.
 - The development proposed is to demolish existing garden brick wall which is 2.15 metres high and 4.5 metres in length, and rebuild brick wall approximately 1.9 metres further out onto the boundary line. Boundary is 2 metres distance from the highway (Tyldesley way). New wall will be the same height 2.15 metres as current wall and 4.3 metres in length. Materials used will match existing property.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The proposal is to extend the brick boundary wall to the rear of the appeal property closer to the highway so that it runs along the back edge of the grass verge adjacent to Tyldesley Way. In doing so, the new wall would enclose within the rear garden of No 21, a small landscape area that currently contains planting between the existing brick wall and the grass verge. No other landscape areas along Tyldesley Way would be affected.
 4. The landscape area adjoins a largely undeveloped strip of land along the same side of Tyldesley Way that follows the gentle curve of the highway and separates the shared surface area from existing buildings. Although modest in size, the landscape area that is the subject of the appeal performs an important role in providing a set back and by softening the visual impact of the existing wall. It also adds some interest and sense of informality and variety to the appearance of the local street scene. Its proposed loss, which would be evident from various public vantage points along Tyldesley Way, would noticeably diminish that positive contribution.
 5. The new wall would also stand out primarily due to its solid built form and position next to the grass verge and close to the adjacent highway. It would
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have a harsher appearance than the softer, more informal landscape area that would be incorporated into the rear garden of No 21. As such, the new wall would be obtrusive in the street scene and have an unacceptable effect on the character and appearance of the local area.

6. According to the appellant, the landscape area at the back of No 21 attracts litter and the vegetation is 'unsightly'. However, I saw that the land in question is neither unattractive nor untidy and it visually blends in with the wider undeveloped strip along the same side of Tyldesley Way. Even if this were not the case, there would be other ways of discouraging litter dropping and improving the appearance of the land than introducing a significant new built form, as proposed. While the appellant intends to remove the planting within the landscape area in any event, the undeveloped nature of the land would still ensure that the existing wall would be noticeably set back from the highway despite being more visible in the street scene.
7. The appellant has drawn my attention to several examples of solid boundary features in the local area, many of which are prominent in the street scene to which they belong. It is not clear from the evidence whether any of these examples involved the loss of land that was previously a landscape area and none occupy the same street scene as the proposal before me. Therefore, I am unable to conclude that their particular circumstances are the same as the new development. While I accept that these existing boundary features form part of the local area's character, they do not lend significant weight in support of the appellant's case. In any event, each proposal should be considered on its individual merits, which I have done in this instance.
8. On the main issue, I therefore conclude that the proposed development would be an unsympathetic addition and be out of keeping with the character and appearance of the local area. Accordingly, it conflicts with Policy BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. This policy states that development will be permitted if it achieves a high standard of design and does not adversely affect the local street scene. It is also contrary to the National Planning Policy Framework, which states that development should respond to local character and add to the overall qualities of an area.
9. Others raise no objection. However, the absence of objections to the proposal does not necessarily indicate that the development sought is therefore acceptable. This consideration does not outweigh the significant harm that I have identified in relation to the main issue.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR