
Appeal Decision

Site visit made on 25 July 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 31st July 2017

Appeal Ref: APP/F1040/D/17/3174785

183 Swarkestone Road, Chellaston, Derby DE73 6UD

- 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 B Chera of Chera Brothers Stores against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/1181, dated 23 November 2016, was refused by notice dated 22 March 2017.
 - The development proposed is the retention of front garden wall and raised ground behind.
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Decision

1. The appeal is allowed and planning permission is granted for front garden wall and raised ground behind at 183 Swarkestone Road, Chellaston, Derby DE73 6UD in accordance with the terms of the application, Ref 9/2016/1181, dated 23 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2010/PP/01; Boundary Treatment Details – Amended Plan – Jan 2017 other than as required by condition 3).
 - 2) Within 3 months of the date of this decision, the development of the front boundary wall hereby permitted shall have been carried out in accordance with the following approved plan: Boundary Treatment Details – Amended Plan – Jan 2017.
 - 3) Within 3 months of the date of this decision, a scheme of landscaping for the hedgerow identified on approved plan Boundary Treatment Details – Amended Plan – Jan 2017 shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the species, size, height and density of planting proposed.
 - 4) All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following completion of the boundary wall hereby approved; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Preliminary Matter

2. I observed a tall concrete block wall had already been constructed at the time of my visit. The work carried out does not reflect the proposal identified on amended plans the Council considered and which are the subject of this appeal. For the avoidance of any doubt, I have considered the appeal on the basis of the submitted plans only.
3. The description of development in the header is taken from the application form. However, I have amended this in my formal decision to remove the superfluous reference to 'retention' which is not related to development.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal relates to the boundary treatment and front garden of a large detached house that is currently under construction. The wall constructed thus far is very tall and has a stark and brutal appearance, which does little to create an attractive or characteristic boundary to the site. Nonetheless, the amended plans identify a lower wall of around 1.8m in height, with a hedgerow above. This combination is not dissimilar to the boundary treatments of other dwellings in the immediate area, some of which combine low walls and/or soft landscaping to create quite tall boundary features. Although the wall itself would still be taller than some nearby, the overall height of the boundary when hedges are taken into account would not be significantly different to others in the immediate area.
6. The height of the wall in the amended plan is of a more appropriate scale than what was originally proposed. At this height, I do not consider that it would have a significant effect on the character of the area. The proposed materials are also consistent with those that make up the low walls of the neighbouring property. The use of such materials would result in a generally sympathetic structure. The proposed hedgerow above the wall, the nature and implementation of which can be addressed by condition, would also help to break up and soften the appearance of the boundary and bring it more into line with other properties in the area. I also see no issue from a visual perspective with the garden being built up to the height of the wall.
7. Therefore, whilst the development would add some variety to the nature of boundary treatments in the immediate vicinity of the site, I do not consider that it would appear as an unduly incongruous or unsympathetic feature. Accordingly, the development would not have an unacceptable impact on the character and appearance of the area and would not conflict with South Derbyshire Local Plan Part 1 (2016) policies SD1 and BNE1 which seek, amongst other things, to ensure development does not lead to an adverse impact on the local environment and responds to local context.

Other Matters

8. The Council raises no concerns over the structural integrity of the wall and there is nothing substantive before me to suggest I should come to a different conclusion. In addition, there is no substantive evidence before me that the

drainage measures proposed are likely to have an unacceptable impact. Neither of these factors therefore lead me to a different conclusion.

Conditions

9. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). I have imposed a condition specifying the relevant drawings as this provides certainty. As the development has already started, the standard timescales condition would not be appropriate. Nonetheless, a condition is required to ensure the wall is constructed as shown on the approved plan and that the details of the hedge are agreed by the Council in the interests of the character and appearance of the area.
10. I have amended the suggested wording relating to condition 3) as the Council's wording would not have allowed further work on the wall to take place until details had been submitted. This may have been unreasonable in the context of the 3 month timescale for completion of the wall. As such, I have used the same timeframe as suggested for completion of the wall for the submission of details. I have made other minor amendments to the suggested conditions in the interests of clarity and precision.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR