



Appeal Decision

Site visit made on 26 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/Z2830/D/17/3176457

1 The Elms, Silverstone, Towcester, Northamptonshire NN12 8WD

- 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 Mrs Isabel McMillan against the decision of South Northants District Council.
 - The application Ref S/2017/0008/FUL, dated 28 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is the erection of 60cm trellis round garden boundary (2 sides) and wrought iron gate.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 60cm trellis round garden boundary (2 sides) and a wrought iron gate at 1 The Elms, Silverstone, Towcester, Northamptonshire NN12 8WD in accordance with the terms of the application, S/2017/0008/FUL, dated 28 December 2016, and the plans submitted with it.

Main Issue

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

Reasons

3. The appeal site is located on the north side of Brackley Road and forms part of a recent housing development broadly centred around a courtyard. Between Brackley Road and the appeal site is an area of open space. The appeal development has already been carried out and forms part of the rear boundary to the appeal site and fronts onto the area of open space.
4. From the evidence before me, permitted development rights have been removed for gates, fences and other means of enclosure where this relates to the area to the front of Silverstone House, within the areas of communal gardens, within the internal courtyards, or within the area of public open space¹. However, I am not convinced that the restrictions outlined in that condition apply in this case. Notwithstanding that, parts of the trellis and the gate are in excess of 1 metre in height and are adjacent to a highway (The Elms), which means that planning permission would be required for the development in its own right.

¹ Condition 32 of permission S/2015/0395/MAF

5. At my site visit I saw that there is a mixture of boundary treatments in the vicinity of the site including tall solid timber fencing to the street frontage of Silverstone House and to the southern boundary to 12 The Elms (plot 7 on the submitted plans). There is also a hedgerow along the Brackley Road frontage to the area of open space to the fore of the site which shielded views of the trellis from the streetscene.
6. To my mind, given the open nature of the trellis and the gate, they do not adversely affect the open character and appearance of the host property or the wider setting of the development as they still allow views through to the garden area. Similarly, I consider that it does not adversely affect the Special Landscape Area. In coming to that view, I acknowledge that the trellis is less open than the estate style metal railings used elsewhere on the development.
7. The Council have also raised concern over the setting of a precedent for similar development. However, each development must be considered on its individual merits.
8. For the above reasons, the trellis and gate do not adversely affect the character and appearance of the area and would accord with saved Policies G3, EV1 and EV7 of the South Northamptonshire Local Plan (1997) and Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (part 1) (2014) which amongst other matters seek to ensure that development does not harm the character and appearance of the area. The development would also accord with the design principles of the National Planning Policy Framework.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be allowed and planning permission granted to retain the trellis and gate as built.

Chris Forrett

INSPECTOR