
Appeal Decision

Site visit made on 9 October 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 13 October 2017

Appeal Ref: APP/Q4625/D/17/3179144
282 Ralph Road, Shirley, Solihull B90 3LF

- 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 Ms Fenez Khan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2017/00172/MINFHO, dated 23 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is for the retention of a boundary wall and railings to a height of 1.8 metres and gates to a height of 2.3 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the Ralph Road street scene.

Reasons

3. The appeal property consists of a detached house within a row of detached and semi-detached houses with varied designs which face Ralph Road. Most houses along this section of Ralph Road, including an adjoining cul-de-sac, are set back from the road with generous frontages that are either open or bounded by low brick walls, some of which are supplemented by hedges. These features give the area a largely open and verdant residential character and appearance.
4. No 282 is in a highly prominent location when approaching along Ralph Road from Prospect Lane as it faces the entrance into a cul-de-sac and the principal alignment of Ralph Road, which then bends in a north western direction as land levels gently slope upwards. The double fronted property has been previously extended at the side and the front boundary of its curtilage adjoins a pedestrian footway. The footway is separated from the road in the immediate vicinity by a grassed area with intermittent trees that contributes to the character of the area.
5. A low brick wall with brick pillars has been erected along the frontage of No 282 adjoining the pedestrian footway. The low brick wall and associated brick pillars link to taller brick gateposts that are set back and surround two entrances with tall railing style gates. Tall railings of a similar style have been erected between the respective entrance gateposts and up to side boundary

- fences. The gated entrance closest to No 284 provides driveway access into No 282 via a dropped kerb from a cul-de-sac close to the main through route.
6. When approaching along Ralph Road from Prospect Lane, the brick pillars and railings of No 282 are visually prominent as they are significantly taller than property frontages in the immediate surroundings. There are sections of taller fencing and hedging adjoining Ralph Road in closer proximity to the junction with Prospect Lane, including those which enclose gardens of No 92 Prospect Lane and Nos. 277 and 300 Ralph Road on corner plots. However, No 282 is located on the south western side of Ralph Road where the character changes to either open frontages or low front boundary enclosures. Although views of the front elevation of No 282 remain available through railings, the tall brick pillars and the railings stand out as unduly conspicuous and incongruous features resulting in a discordant frontage in the Ralph Road street scene.
 7. Having regard to the above, the proposal significantly harms the character and appearance of the street scene. The harmful visual effect is less prominent and intrusive when approaching at distance along Ralph Road from a northern direction due to the alignment of properties, the presence of intervening trees and the difference in land levels. Nevertheless, the harm is observed in close proximity to the site from that perspective. Moreover, the prominent and discordant development along the frontage of No 282, if allowed to remain, could make it difficult for the Council to resist other such proposals elsewhere in Ralph Road, thereby potentially further eroding the character of the area.
 8. I have considered whether the use of conditions would be capable of mitigating the harm identified. The addition of boundary hedging could soften the appearance of the wall, pillars and railings with a type of enclosure that would be similar to those existing at No 92 Prospect Lane and Nos. 277 and 300 Ralph Road. However, the height of boundary hedging necessary to screen the development would look out of place on the property frontage and would limit visibility from the access with a resultant impact upon pedestrian safety. Consequently, in the particular circumstances of this case, additional landscaping is not suitable to overcome the harm identified. In that context, any biodiversity benefit arising from additional hedging is afforded little weight.
 9. In reaching the above findings, I have taken account of examples of other properties in the wider area with tall front walls, fencing, gates and / or railings including No 107 Ralph Road and elsewhere along Prospect Lane, Streetsbrook Road, Beaumont Grove, St Bernard's Road, Sharmans Cross Road, Danford Lane and Alderbrook Road. However, I am not aware of the planning status or circumstances that have led to those examples. Other than No 92 Prospect Lane and Nos. 277 and 300 Ralph Road as previously referred to, the examples are not visible from the site and have little influence upon its immediate surroundings. Furthermore, the majority of the examples, including No 107 Ralph Road and Nos. 95 and 107 Prospect Lane, relate to settings where the character of frontages is more varied and therefore, do not replicate the relationship of the proposal to its surroundings. Consequently, the presence of existing examples of taller boundary treatments in the wider area is not justification for the harm to the character and appearance of the Ralph Road street scene in the immediate vicinity of the site.
 10. I conclude that the development causes significant harm to the character and appearance of the Ralph Road street scene. The proposal, therefore, conflicts

with Policy P15 of the Solihull Local Plan, adopted December 2013, and the associated guidance relating to boundary treatments within the Solihull House Extension Guidelines Supplementary Planning Document, adopted February 2010. The policy seeks that development proposals achieve good quality design, which includes conserving and enhancing local character, distinctiveness and streetscape quality. The policy aims are consistent with the National Planning Policy Framework.

Other Matters

11. The appellant has suggested that the fence offers improved security and a crime deterrent. Whilst I accept there are such benefits, I am not satisfied that the development is the only manner in which to achieve a safe and secure environment or that such matters justify the harm identified in any case.
12. The design of the wall, including the set back position of the tall gateposts and use of railings ensures adequate visibility from the vehicular access served by the dropped kerb so as not to compromise highway safety or pedestrian safety on the footway. Although the second set of gateposts and gates are unusual features given that they are not served by a dropped kerb or driveway beyond the site, such matters are not decisive factors upon the outcome of the appeal given that their use could be controlled by condition.
13. The appellant has expressed concern with respect to the Council's approach when dealing with the planning application and in terms of pre-application advice offered. However, such matters are not an influential factor when determining this appeal on its merits. The absence of objections from neighbouring properties to the application consultation and the letters provided by the appellant in support of the appeal have been taken into account, but do not outweigh the harm I have identified.

Conclusion

14. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR