
Appeal Decision

Site visit made on 25 November 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/Q4625/D/19/3238472

97 Lowbrook Lane, Tidbury Green, Solihull, B90 1QS

- 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 Jitesh Chauhan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/01112/MINFHO, dated 19 April 2019, was refused by notice dated 11 July 2019.
 - The development is described as 'Resubmission of application PL/2018/03485/MINFHO retrospective application to retain gated access'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons for Recommendation

4. The appeal property is a detached dormer style bungalow located near the edge of the village. It is situated on a residential lane which comprises detached properties set back from the road in relatively spacious plots. The front boundary treatments on the lane are mainly formed by discrete brick walls, soft landscaping and/or are open. On the whole, properties close to the appeal site do not have entry gates onto the public highway.
5. The front boundary of the appeal property is enclosed by a white metal railing gate and fence. It is ornate in style and extends the width of the front boundary. Although the colour and design reflect the design detail of the host dwelling and allows views towards the property from Lowbrook Lane, I observed that the fence and gate have introduced an alien form of boundary treatment into this attractive area.
6. Although the effect is localised, limited further by the slightly recessed access to the dwelling in relation to the road, the development is sufficiently stark in

its setting so as to be harmful to the character and appearance of the area. Whilst painting the fence and gates a darker colour would reduce the visual impact within the street scene, this would not sufficiently mitigate the harm that has been caused by this uncharacteristic boundary treatment. The planting of landscaping would take time to mature and that proposed to the front of the fence in the rockery would be unlikely to soften the impact of the fence such that it would mitigate the harm identified.

7. The appellant has provided examples of gates and boundary treatments at other properties in the locality to which I have had regard. However, the examples of railings and gates are not located within Lowbrook Lane and the context in which they are is not directly comparable to the appeal before me. Furthermore, the brick boundary wall further along Lowbrook Lane does not incorporate railings or a gated access and is not directly comparable either. This matter carries limited weight in my consideration of the appeal scheme, which I have considered on its merits.
8. The revised National Planning Policy Framework (Framework) states that planning policies and decisions should ensure that developments create places that are safe, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience, amongst other matters. In this regard I note the appellant's desire to make his property more secure particularly given reported crime incidents in the area. However, there are other measures by which the appellant could secure his property, including the use of alternative boundary treatments. A fear of crime in this case does not provide justification for harmful development as constructed.
9. In light of the above I conclude that the development is harmful to the character and appearance of the surrounding area, and accordingly there is conflict with Policy P15 of the Solihull Local Plan 2013 which seeks, amongst other matters, for development to conserve and enhance local character, distinctiveness and streetscape quality. This policy is broadly consistent with the Framework at paragraph 127 which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting. The support of the development from third parties does not lead me to conclude differently.

Conclusion and Recommendation

10. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR