



Appeal Decision

Site visit made on 20 January 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/P1133/D/19/3233124
16 Abbotsridge Drive, Ogwell TQ12 6YS

- 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 Michael Bedford against the decision of Teignbridge District Council.
 - The application Ref 19/00878/FUL, dated 30 April 2019, was refused by notice dated 5 July 2019.
 - The development proposed is described as '*rebuild existing boundary wall to a height of 6 feet The new boundary wall will be a replica of existing boundary wall and will be built 30 cms from the public footpath*'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No 16 Abbotsridge Drive is a bungalow and its grounds. Abbotsridge Drive is not entirely open plan and there are walls and fences present. However, the walls tend to be set back behind pleasantly planted green spaces which provide a spacious and open, suburban character to the street scene. This is the case at No 16. Its rear garden is bound by a 1.8m wall which is hard to the pavement at its south corner but curves back to allow room for a prominent area of well-maintained soft landscaping along its western boundary.
4. The proposed wall would enclose this area, roughly following the alignment of the pavement. Although it would match the existing walling in scale and finish, it would have an anomalously forward position where it would remove public perception of the landscaping and diminish the openness of the public realm. Whilst I note that the appellant intends to plant shrubs forward of the wall, it seems to me that there would be little space to do so. Whilst the pavement has a relatively generous width adjacent to the appeal site, this would not mitigate the reduction to openness or the loss of the planted area.
5. The appellant has drawn my attention to the walling on the opposite side of the road at No 5 Abbotsridge Drive. Although I acknowledge that this wall is quite close to the pavement, there is a degree of separation which has allowed for adequate landscaping to soften its presence. A grass verge separates the pavement from the carriageway, which sets the wall back, ensuring that openness is maintained. The circumstances at No 5 are not therefore comparable to the extent that they add support for the scheme.

6. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with the design aims of Policies SI, S2 and WE8 of the Teignbridge Local Plan 2013-2033 (adopted 2014) and the National Planning Policy Framework.

Other Matters

7. I appreciate that the open boundary between the appellant's property and the highway leads to litter and dog fouling within the appeal site. However, it seems to me that any public nuisance or health risk would not necessarily be prevented by the wall as the offending articles would likely be moved on to other places in the locality. This matter has therefore carried very limited weight in my assessment.
8. I have also had regard to the appellant's comments about the procedural conduct of the Council. However, the matters raised are not germane to this section 78 appeal, which is restricted to the planning merits of the case. Whilst the appellant has also expressed an intention to make potential amendments to the scheme, there are no revised drawings before me, and I must assess the proposal subject to the Council's decision.

Conclusion

9. For the reasons outlined above, and taking all matters raised into account, including the absence of any third-party objection to the scheme, I find that the appeal should be dismissed.

Matthew Jones

INSPECTOR