
Appeal Decision

Site visit made on 17 December 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/K3415/W/19/3238136

7 Middle Croft, Hawksyard, Rugeley WS15 1QX

- 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 Paul Quinn against the decision of Lichfield District Council.
 - The application Ref 19/00461/COU, dated 26 March 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the change of use of an area of land bordering the property from Public Open Space to private residential garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have shortened the appellant's description of development to make it more succinct.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is a grassed area of open space that forms part of the landscaping scheme for the Hawksyard housing estate. It extends in a linear manner between the canal and a small woodland to the east with Middle Croft/St Thomas Way on one side and the elevated Rugeley Road on the other and forms an attractive open green space and vista.
5. The wider estate includes substantial perimeter landscaping, play areas, green spaces and open frontages which creates a sense of openness across the estate.
6. Notwithstanding that the land is not used as incidental open space, the annexation of it into the domestic curtilage of No 7 Middle Croft and the relocation of the hedgerow, beyond its existing frontage, into open space would be visually and physically discordant compared to the open nature of the area. The vista would be unduly interrupted and the sense of openness that currently exists would be undermined by the extent and position of the hedgerow in an area of open space.

7. There is no substantive evidence to indicate that public access is an issue. However, I noted during the site visit that a sign is located near to the site stating that there is no public access beyond the host property. Whilst the proposed hedgerow would be a more obvious physical barrier compared to the existing sign, I find that its position and appearance would be harmful to the character and appearance of the area.
8. Whilst I acknowledge that no buildings are proposed, the hedge in my view, would not sufficiently screen any associated residential paraphernalia and thus it would be highly visible from within the surrounding area and from elevated Rugeley Road even when trees are in leaf. The extension of the domestic curtilage into this area of open space would adversely affect the character and appearance of the area.
9. I acknowledge that the proposal would not impede the use of nearby open space, however, this neither counts for nor against the proposal. The issue of how the land in question was originally designed or conveyed is not a matter for me in this appeal.
10. The appellant maintaining the land in question, the support of neighbours and the Parish Councillor counts neither for nor against the proposal and does not overcome the harm I have identified in relation to the character and appearance of the area.
11. As such the change of use, relocation of the hedgerow and domestication of the site would be contrary to Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy (2015) which, amongst other things, seek to protect and enhance the character and distinctiveness of the district and its settlements and ensure new development will have a positive impact on the public realm.

Conclusion

12. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR