



Appeal Decision

Site visit made on 14 January 2020

by Edward Cousins BA, BL, LLM, Barrister

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/P1940/D/19/3239263

43 Fraser Crescent, Abbots Langley WD25 0BF

- 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 Adebayo Adewunmi against the decision of Three Rivers District Council.
 - The application 19/1325/RSP, dated 11 July 2019, was refused by notice dated 26 September 2019.
 - The development proposed is described as replace the front lawn with paving slabs similar to what is already in place on the footpath, flower beds will remain; support the front porch with decorative reinforced fibreglass columns; and Low brick wall 1m high with iron rails around the right and front border of the property, the brickwork will match the existing brickwork of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While all the works envisaged by the proposed development appear to have been completed, I have assessed and decided the appeal on the basis of the drawings that were before the Council when it determined the planning application.

Main Issue

3. The main issue is the effect that the appeal development has on the character and appearance of the area, in particular as to the replacement of the front law with paving slabs, and the erection of a low brick wall 1m high with iron rails around the right and front border of the property.

Reasons

4. Fraser Crescent and the surrounding roads form part of a recently constructed residential estate characterised in the main by open frontages and areas of lawn lying to the front and to the side of each dwelling house. No fencing or walls impede the visual aspect between the houses and the pavement. The street design is therefore distinctive in that it provides a sense of openness and community. In the context of 43 Fraser Crescent and neighbouring houses this sense is heightened in that lying opposite on the other side of the roadway there is integration between the houses and the rural landscape of trees and fields.

5. As a consequence, the replacement of the front lawn with an area of paving slabs bounded by a wall topped with iron railings approximately one metre in height is incongruous and not in keeping with, and does not enhance, the character of the surrounding area. Moreover, the appeal development has a discordant urbanising effect at odds with the rural themes of the immediate area.
6. The appeal development, therefore, harms the character and appearance of the area. Accordingly, it is contrary to Policies CP1 (Overarching Policy on Sustainable Development) and CP12 (Design of Development) of the Three Rivers District Council Core Strategy (adopted in October 2011), Policies DM1 (Residential Design and Layout), DM6 (Trees and Landscaping) and Appendix 2 (Design Criteria) of the Development Management Policies LDD (adopted July 2013).

Other Matters

7. I have considered the points made by the appellant in support of the proposed development as to the furtherance of:
 - (i) Improved security and a safe environment,
 - (ii) Effective screening of the front garden to ensure the quality of life, and
 - (iii) Respect for private and family life pursuant of Article 8 of the European Convention of Human Rights
8. However, I find that the appellant has provided no evidence in support of the assertion that security in the area is an issue of significance; nor that screening is necessary in order to ensure reasonable privacy for the appellant and his family. I further conclude that the human rights of the appellant and his family would not be disproportionately affected by virtue of the dismissal of the appeal for the reason that throughout England the living conditions for residents in suburban areas are similar to those experienced by the appellant and his family. Given the concerns of the local planning authority in protecting the character and appearance of the area in the public interest, I consider that these factors outweigh the concerns expressed.
9. As to the point made by the appellant that no neighbour has objected to the proposal, I consider that the absence of any such objections does not alter the harm that would result from the implementation of the proposed development, were the appeal to be allowed.

Conclusion

10. Thus, for the reasons set out above, the appeal should be dismissed.

Edward Cousins

INSPECTOR