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## Appeal Decision

Site visit made on 27 May 2020

**by I A Dyer BSc (Eng) MIHT**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 June 2020**

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**Appeal Ref: APP/J0405/D/19/3242627**

**9 Broughton Avenue, Aylesbury, Bucks HP20 1NN**

- 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 Ian Young against the decision of Aylesbury Vale District Council.
  - The application Ref 19/02838/APP, dated 27 July 2019, was refused by notice dated 11 October 2019.
  - The development proposed is to replace aging leylandii hedge and dilapidated boundary front wall with new wall and fence panels.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The original description of the development included lengthy details of the history of the site. I have omitted this as it does not describe the development itself.
3. At the time of my site visit the wall and fence panels were already in place.
4. On 1 April 2020, Aylesbury Vale District Council was merged with Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council to create Buckinghamshire Council. I have referred to Aylesbury Vale District Council as this was the determining authority at the time of the decision.
5. The draft Vale of Aylesbury Local plan (the Draft Local Plan) has been published but has yet to be examined and found sound. It therefore carries limited weight as a material consideration.

### Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

7. The appeal site is a corner plot adjacent to the junction of Barnsbury Avenue with Broughton Avenue, within an established residential area. In the vicinity of the appeal site, the streets are mainly fronted by two storey semi-detached dwellings, interspersed with occasional detached two storey dwellings. The dwellings are generally set back from the highway by modest front gardens,

- often accommodating off-street parking. Despite this the streets retain areas of verge within the footways, and, at junctions often incorporate green spaces.
8. The boundaries of many of the gardens, particularly those adjacent to junctions, incorporate hedges, often above a low wall, which have a softening effect. The plot on the other corner of the junction on which the appeal site lies has such a hedge and wall on its frontage. The setback of the houses, low walls, green spaces and hedges afford the locality a strong sense of space, openness and verdure, and are reflective of the pattern of development in the area. This is an important characteristic of the area to which the appeal site contributes.
  9. The proposal has removed the hedge and low wall, replacing it with a brick wall incorporating fence panels between brick piers. The new structure is significantly higher than most of the brick boundaries nearby and is a harder, harsher form of boundary than low walls and hedges in the area. The height of the wall and fencing creates a greater sense of enclosure around the junction, reducing the sense of openness in the street scene.
  10. Although incorporating materials used on the appeal site and no higher than the side fence of the site, these materials are used in a combination that is not apparent elsewhere in the area. This has introduced a design which is anomalous and incongruous with the street scene. The enclosure, hardness of the boundary and its incongruity with other structures in the vicinity is emphasised by the position of the wall and fencing at a prominent location.
  11. Whilst the incorporated fencing panels act to break up the massing of the wall, overall the combination still presents a harder boundary treatment than a combination of low wall and hedging. In my view, the reduction in openness around the junction and anomalous, incongruous design is, in this instance, so marked as to constitute significant harm to the character and appearance of the area.
  12. I conclude that the development results in unacceptable harm to the character and appearance of the surrounding area. The development would therefore be contrary to Policy GP.35 of the Aylesbury Vale District Local Plan (2004) which, amongst other things, requires that the design of new development proposals should respect and complement the physical characteristics of the site and the surroundings as well as the building tradition, form and materials of the locality.
  13. My attention has been drawn to other developments in the wider area that also alter the boundaries of properties. These sites are some distance from the appeal site and do not form part of its immediate context. In any case, I have considered the proposal before me on its own merits.

### **Other Matters**

14. It has been asserted that the old hedge was beyond its useful life, had damaged the wall and footway, and obstructed the passage of pedestrians and drivers' visibility when leaving site. It has also been brought to my attention that the wall and fence are, overall, lower than the height that the former hedge had reached, having been poorly maintained for some time.
15. The development would prevent any further damage or obstruction to the footway by vegetation and I note that local residents support these matters

being addressed by the development. However, alternative works to the land could achieve a similar outcome without resulting in the harm that I have identified to the character and appearance of the area. This does not, therefore outweigh my findings on this matter.

### **Conclusion**

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

*I Dyer*

INSPECTOR