
Appeal Decision

Site visit made on 23 June 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

Appeal Ref: APP/Z0116/D/20/3253428

142 Ridgeway Lane, Whitchurch, Bristol BS14 9PE

- 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 Stephen Kurian against the decision of Bristol City Council.
 - The application Ref 20/01229/H, dated 14 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is described as the "removal of trees and hedges and erection of 2.0 meter high front compound wall".
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Decision

1. The appeal is allowed and planning permission is granted for the removal of trees and hedges and erection of 1.65 metre high front compound wall at 142 Ridgeway Lane, Whitchurch, Bristol BS14 9PE in accordance with the terms of the application, Ref 20/01229/H, dated 14 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 100, 101 Rev A and 110 Rev B

Procedural Matters

2. Notwithstanding the description of development in the banner heading above, which is taken from the planning application form, it is clear that during the course of the planning application that the proposal was amended by the appellant to seek permission for the wall at a height of 1.65 metres (m) as constructed. The Council's Delegated Report clearly refers to the lower height of the wall. As such, I have also considered the appeal on the basis of this lower height and I have included this in the formal decision above.
3. The parties agree that commencement of the construction of the wall has already taken place and so I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises an existing, detached dwelling and its associated garden area. It has a frontage to Ridgeway Lane and lies adjacent to an access

way serving neighbouring development. The area is characterised by residential development, predominantly comprising of two storey dwellings, however there were also some taller buildings present including three storey dwellings and blocks of flats. Generally, properties had frontages to roads, including Ridgeway Lane. I observed there to be a wide variety of treatments to these frontages; these included walls with railings over, timber fences, posts and chains, hedging, as well as walls some of which had planting extending above. It was also noted that some frontages were open without any means of enclosure along the road.

6. Within this context, the erection of a wall along the frontage of the appeal site would not be incompatible with the prevailing character of other frontages in the area. I note the Council's concern in respect of the height of the wall, however other boundary treatments in the area were to a significant height, in excess of the scheme that is before me. I acknowledge that many of these comprised landscaping above fixed boundary treatments, nonetheless the visual effect of their height was pronounced. As such, I find that the wall would not be overly high and would appear as an acceptable visual element within the streetscene.
7. In terms of the scale of the proposal and its relationship with the existing dwelling, the property is detached, has a large front garden and parking area, with the building set back from the road. This creates a sense of spaciousness around the dwelling which is not present at many others along the road. In this setting, the height of the wall would not be out of scale, but would be commensurate, with that of the dwelling.
8. I acknowledge that the wall is constructed hard to the edge of the footway at this location, which is not as wide as that on the other side of the road. However, nothing before me suggests that the wall has resulted in a narrowing of the footway or any diminution of the ability for pedestrians to travel along it. As such, there is no detrimental effect on the pedestrian environment as a result of the development.
9. The Council refer to other examples of high walls in the area, including one which may be unauthorised, and contend that they do not provide support for the proposal. However, notwithstanding the potentially unauthorised example referred to, as I discuss above there is variety in boundaries along the road. Whilst some may be side boundaries, they nonetheless comprise part of the streetscene and the context within which the wall would be viewed.
10. Accordingly, I find that the wall causes no harm to the character and appearance of the area. Thus, it accords with policy BCS21 of the Bristol Development Framework Core Strategy (2011) and policy DM26 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014). Together, and amongst other things, these policies seek to ensure that development reinforces local distinctiveness and that development reflects predominate boundary treatments in the area.
11. I have been referred to policy DM30 however this policy refers to extensions and alterations to existing buildings, rather than new boundary treatments. As such, it does not appear to be directly relevant to the scheme before me. Even if it were, I find that it does not provide a basis for resisting the proposal.

Other Matters

12. I am aware that the wall was erected without planning permission. However, the planning system does allow for planning permission to be sought retrospectively. Such schemes should be considered on the basis of their planning merits irrespective of the unauthorised background. Therefore, while local concerns about this aspect of the proposal are noted, they have very little bearing on the outcome of the appeal.

Conditions

13. As the development has commenced, a condition in respect of implementation is not required. I have considered the conditions suggested by the Council. I have no information before me to suggest that the wall is complete and as such, in the interests of certainty a plans condition is required. I note that a condition in respect of landscaping is suggested. Whilst the inclusion of landscaping has the potential to further soften the wall, as I have found the wall acceptable in its own right, such a condition is not necessary to make the development acceptable in planning terms.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Martin Allen

INSPECTOR