



Appeal Decision

Site visit made on 7 July 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2020

Appeal Ref: APP/A2335/D/20/3251343

1 Norland Drive, Heysham, Morecambe, Lancashire LA3 2DS

- 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 J Collingwood against the decision of Lancaster City Council.
 - The application Ref 19/01435/FUL, dated 19 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is retrospective application for the construction of new higher boundary wall to southern boundary of site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out. However, the materials stated in the application form do not accurately describe the boundary treatment that has been constructed. Nevertheless, the application form indicates that the development has been completed. Therefore, I have determined the appeal on the basis that retrospective permission is sought for the development that has been implemented.

Main Issues

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

Reasons

4. The appeal property is a 2 storey semi-detached dwelling on a corner plot at the junction of Norland Drive and Sugham Lane. The part of Norland Drive that includes No 1 is characterised by matching pairs of semi-detached properties set back from the road with open gardens and low boundary walls. Although Sugham Lane is more varied in terms of the sizes and styles of property, the set back of the properties and their consistently low front boundary walls nevertheless results in an open and relatively harmonious street scene.
5. The appeal scheme is a tall boundary treatment to Sugham Lane. It is approximately 20m in length with a maximum height of a little over 3m. The lower part of the wall is continuous with the front boundary along Norland Drive and it is finished in wetdash render with a stepped appearance, above which the Sugham Lane boundary has been built up with a brick wall and scalloped timber fence panels between wide brick pillars.

6. By virtue of its excessive height and its somewhat discordant design, the development is not in keeping with the low boundary walls that characterise the street scene. It is a prominent and incongruous feature and it is visually obtrusive when viewed from either direction along Sugham Lane. It disrupts and diminishes the characteristic openness of the street scene. Consequently, the development does not make a positive contribution to local distinctiveness or to a strong sense of place.
7. Therefore, the development results in significant harm to the character and appearance of the area. It conflicts with Policy DM35 of A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014. This requires development, among other things, to contribute positively to the character of the area through good design, having regard to local distinctiveness and avoiding detrimental impacts on visual amenity. It also conflicts with policies in the National Planning Policy Framework that require development to add to the overall quality of the area, to be sympathetic to local character and the surrounding built environment, and to maintain a strong sense of place.

Other Matters

8. In keeping with boundary treatments along the street, the former boundary wall to Sugham Lane was a relatively low feature. In this regard, I accept that it did not provide a secure or safe means of enclosure for the purposes of children playing in the garden. However, there is nothing before me to demonstrate that alternative means of enclosing the garden were either explored or discounted. I am not therefore persuaded that there are no alternative solutions, including in terms of the height of the boundary and its design, that would deliver similar benefits to the appellant and his family without the conflict with the development plan.
9. My attention has been drawn to tall boundary treatments elsewhere in the area that either did not require, or were constructed without the benefit of, planning permission. However, none of those schemes appear to provide a visual context for the appeal scheme. Moreover, on the basis of the photographs provided, and in the absence of any details of those schemes, I cannot be certain that any of them is directly comparable to the appeal scheme or that they would provide a justification for it.
10. The development does not result in adverse effects on highway safety. However, this is a requirement of the development plan and it does not weigh in favour of the scheme.

Conclusion

11. I have found that the development is in conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal is dismissed.

Sarah Manchester

INSPECTOR