



Appeal Decision

Site visit made on 28 July 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/E2530/W/20/3248345

16 Meadow Road, Market Deeping, Peterborough, Lincolnshire PE6 8PF

- 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 James Orford against the decision of South Kesteven District Council.
 - The application Ref S19/0174, dated 22 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is movement of boundary wall to enclose rear garden of 16 Meadow Road and erection of 2m fence. Change of use from open space to residential.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided evidence to illustrate that the land subject of the appeal is included on their deeds. Regardless of ownership, my observations on site of the present land uses were that the appeal site clearly forms part of an established open area outside the area used as private garden for No 16. I have therefore assessed the proposal as applied for although I have removed the words 'not stated on deeds' from the description as this is not a description of development.
3. Policy EN1 of the South Kesteven Core Strategy, referred to in the Council's decision notice, has been superseded following the adoption of the South Kesteven District Council Local Plan in January 2020 (the LP). The Council has provided a copy of Policy DE1 of the LP and I have assessed the appeal against this as the relevant up-to-date development plan policy.

Main Issue

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

Reasons

5. No 16 Meadow Road is a two-storey detached dwelling located within a close-knit residential area. Beyond the rear garden boundaries of Nos 14 and 16 Meadow Road, there is a soft landscaped open area on Robin Close. Robin Close is a cul-de-sac and the open area forms an integral part of its layout, providing physical and visual separation between the rear boundaries of gardens serving dwellings on Meadow Road. These characteristics give Robin

Close a spaciousness which makes an important contribution to its character and appearance.

6. The incorporation of the appeal site into the private garden serving No 16 Meadow Road would result in a marked incursion into the open area. Even accounting for the proposed set back and gravel border, the wooden fence and double gates that would be erected to the perimeter of the site would present as a harsh and visually intrusive addition to the streetscene. Planting to the border could soften the appearance of the proposed boundary treatments. However, this would take time to establish and, in any case, would not overcome the significant harm that would result from a loss of spaciousness on Robin Close.
7. I conclude that the development would have a harmful effect on the character and appearance of the area. In that regard, the development would conflict with Policy DE1 (Promoting Good Quality Design) of the LP which seeks to ensure high quality design and amongst other things requires that all proposals should reinforce local identity and not have an adverse effect on the streetscene. The development would also be contrary to the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

8. The examples provided of boundary treatments erected in the wider area are not directly comparable to the site-specific characteristics on Robin Close. Even though the Parish Council raises no objections and there is nothing before me to suggest the appeal site forms part of a designated area of open space, this does not diminish its importance to the character and appearance of the area.
9. I also note the appellant contends that there are other green spaces in the area, that impacts on views would be limited by virtue of the number of properties on Robin Close and that views for these properties are often impeded by vans parked on Robin Close. However, these matters do not persuade me that the detrimental impact of the proposal on the immediate surroundings of Robin Close would be justified. Equally, I am not persuaded by the evidence before me that ease of maintenance and improved privacy on the appeal site or the greater usability of a larger private garden are matters which override the need to protect the character and appearance of the area in this instance.
10. Matters relating to any alleged defamation of character, trespass or harassment are private legal or police matters and have not influenced my assessment against the material planning considerations.

Conclusion

11. For the above reasons, the appeal is dismissed.

M Russell

INSPECTOR