



Appeal Decision

Site visit made on 28 July 2020

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/C3240/C/20/3248529

49 Kingsland, Arleston, Telford TF1 2LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Sarafraz Khan against an enforcement notice issued by Telford and Wrekin Council.
 - The enforcement notice was issued on 6 February 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised carrying out of engineering operations consisting of the raising of garden ground levels; the unauthorised erection of a brick boundary wall with associated pillars, fencing and finials; and the unauthorised erection of a porch and canopy with pillars on the front and side elevations.
 - The requirements of the notice are 1. Reduce the raised garden ground level in the area shown hatched on the attached plan to the original ground level which existed prior to the unauthorised works; 2. Either demolish the brick boundary wall with associated pillars, fencing and finials shown marked blue on the attached plan, or alternatively reduce its height so that no part of it exceeds 1 metre from the original ground level; 3. Demolish the porch and canopy with pillars from the front and side elevations of the property; and 4. Remove all materials and debris arising from compliance with the above from the land.
 - The period for compliance with the requirements is within 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act)
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

The appeal on ground (a) and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the character and appearance of the original house, street scene and surrounding area.

Reasons

Character and appearance

3. The appeal property is a recently extended two-storey semi-detached post-war dwelling situated on a prominent corner plot within an established residential area. The dwelling is set back from the highway with a parking area to the

front and garden area to the side and rear. The ground level has been substantially raised to provide a level area to the side of the house which is covered with timber decking.

4. A canopy wraps around the front and side of the property supported by several substantial Roman Doric style pillars and incorporating an enclosed porch to the front door. The front boundary comprises a brick wall of varying height, with tall brick pillars on top of which sit decorative finials, and fence panels in between. The boundary treatment extends the full curved width of the property curtilage.
5. There is subtle variety in the design and appearance of properties in the locality. Whilst some have been extended, the principal elevations largely retain their original architectural design which gives the area a predominantly uniform appearance. A particularly prevailing feature within the immediate surroundings is the front boundary treatments which are defined mainly by mature hedges or low modest walls. The abundance of natural boundaries generally provides a verdant setting for the residential suburban streets and is an important feature which helps to define the character and appearance of the area.
6. The boundary treatment to the appeal site is harsh, contrasting greatly with the relatively simple design and materials of the frontages within its immediate setting. The height, design and style of the boundary create an overly dominant, defensive and hostile frontage, which is at odds with its neighbouring properties. The harsh appearance of the frontage is worsened by the raising of ground levels behind part of the wall. This results in the need for an overly tall and dominant retaining boundary wall with an expanse of brickwork, which presents an incongruously formal feature within the street scene. The development is considered highly conspicuous and discordant in a prominent position, detracting from the predominantly natural setting of the properties within the immediate area.
7. The canopy extension incorporating the porch is also particularly visible from neighbouring properties and along the public highway from where it draws unwarranted attention. This is further exacerbated because the dwelling sits at a higher level than the road and is situated on a prominent corner plot. The canopy, with its substantial columns to support the roof structure, displays an overly decorative addition to two prominent elevations, and introduces an alien feature amongst the modest architectural form of the surrounding properties. This contrasting style substantially alters the character of the dwelling and this is considered particularly harmful to the property and the immediate area.
8. Overall, I find that the development significantly detracts from the prevailing character and appearance of the house and area and is unduly conspicuous and discordant when viewed from within the street-scene and neighbouring properties.
9. As a result, I find conflict with Policies BE1 and BE2 of the Telford & Wrekin Local Plan 2011-2031 (2018) insofar as they seek to enhance the quality of the local built and natural environment, by respecting the character of the dwelling and the area and preserving and reinforcing traditional frontages and boundary treatments. In this respect, I also find conflict with the guidance in the National Planning Policy Framework.

Other matters

10. I acknowledge that there are examples within the area of boundaries defined by brick walls and at my site visit I observed the examples to which my attention has been drawn. Whilst there are some examples of walls which appear taller than 1 metre in height, they are not considered immediately comparable to the appeal site and its setting which is on a prominent corner plot. Furthermore, I am not aware of the planning status or circumstances that may have led to those cases and I do not consider they set a precedent for other such development.
11. The appellant questions the need for planning permission for the porch. To establish this, the appellant can apply to the local planning authority to obtain a decision on whether the existing development is lawful for planning purposes or not. If the local planning authority is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate under s191 of the Act.
12. The frontage treatment is perceived, by the appellant, to provide privacy and security. This may be the case, and whilst I acknowledge such benefits, I do not consider this matter to justify the harm identified.
13. I sympathise with the appellant concerning the Council's approach whilst dealing with the planning matters. However, my assessment is based on an impartial appraisal of the planning merits with regard to relevant planning policies. Dissatisfaction with the Council's procedure should appropriately be made in the first instance through the authority's own complaints procedure.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

S Hanson

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