



Appeal Decision

Site visit made on 11 August 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/Q4625/D/20/3250337

21 Kemerton Way, Shirley, Solihull B90 4XG

- 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 Garba Sani against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/03066/MINFHO, dated 6 December 2019, was refused by notice dated 23 January 2020.
 - The development is described as the retention of boundary fence and gate.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The works on the fence and gate had started at the time of my visit and therefore I am considering this appeal retrospectively.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the appeal site and street scene.

Reasons for the Recommendation

5. The appeal site is on the north-east side of a spur off Kemerton Way. It contains a detached two-storey dwelling with a sizeable frontage set out as parking. The site is separated from the street by a solid timber fence with concrete piers which wraps around the sides of the site and meets a pedestrian and vehicular gate at the front. The front gardens of the surrounding dwellings are largely open with boundaries formed by planting and other soft landscaping. Opposite the site is a deep, open verge which extends along the end of Kemerton Way.

6. Kemerton Way is a public road which affords views of the site, while footfall may be low on the street, views are still available to the public. The scale and solid nature of the boundary treatments has resulted in an alien, intrusive feature which harms the otherwise open character of the street scene. Moreover, the boundary jars with the appearance of the adjacent gardens which are open to the road. The impact is especially acute where the north-west side fence is seen projecting across the neighbouring front gardens when viewed along the pavement. Moreover, as the road wraps around the far (south-east) side of the site, this side boundary is also visible to observers, and would have as great an impact as the front portion. Although there is no development opposite the site, on the verge, this openness does not mitigate the harm caused by the new boundary.
7. Timber fence panels and concrete piers are not unusual for residential gardens. Nevertheless, while the materials are in keeping with the residential nature of the area, this does not outweigh the identified harm. Moreover, the pair of metal gates are substantial and utilitarian in their design. They therefore appear out of keeping with the residential nature of the appeal site, and would be more appropriate in a commercial setting.
8. In light of the above I conclude that the development has harmed the character and appearance of the appeal site and street scene by way of its design and enclosing nature. The development is therefore contrary to Policy P15 of the Solihull Local Plan which expects development to achieve good quality design which conserves the local character. It would also conflict Paragraph 127 of the National Planning Policy Framework which, amongst other matters, seeks development to be visually attractive and sympathetic to local character.

Other Matters

9. I note that appellant's intentions to increase the security of their property and to deter anti-social behaviour. However, no substantive evidence has been submitted to demonstrate that the site or surrounding area experience high levels of criminal or anti-social behaviour. I therefore find that while it is likely the fence does go some way to increase the security of the site, this is not to such an extent that it would outweigh the harm identified.

Recommendation

10. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR