



Appeal Decision

Site visit made on 17 December 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/K3415/D/20/3260506

5 Oakwood Close, Shenstone, Lichfield WS14 0JJ

- 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 Robert Sheldon against the decision of Lichfield District Council.
 - The application Ref 20/00721/FUL, dated 3 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is described as "demolition of current boundary wall 5m approx within site boundary, and erection of boundary fence 2m within site boundary."
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The surrounding area is characterised by densely populated residential properties with small front gardens. The immediate surroundings have various elements of boundary treatment which are interspersed with various shapes and sizes of open spaces that can be found to the front and side of the built form. It is the combination of built development and open spaces within the residential setting that contributes positively to the character of the area.
4. The proposal would enclose a parcel of open garden land and make it part of the private garden area of 5 Oakwood Close. The enclosing of the land, with high boundary fencing that would be close to the highway, would result in the loss of an important open area which provides visual relief within the expanse of houses in the area.
5. The proposal would not be visible from the majority of properties in the area and would not obstruct views from neighbouring windows. The proposal would however, be prominent within its immediate setting and from the public highway, and would appear overbearing with the boundary treatment being a discordant structure.
6. I have had regards to the appellants statement of case and the submitted photos including reference to other properties in the area, various boundary treatments, house and garden extensions, driveways, gaps between buildings and hedgerow planting. Insufficient information has been provided on these

various examples to indicate whether they have had formal planning permission. Nevertheless, these matters do not alter my assessment, that the proposal would result in the loss of an open parcel of land which positively contributes to the area and the proposed boundary treatment, due to its positioning and size, would be an incongruous feature that detracts from the character of the area.

7. Accordingly, I find that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework which seeks development to ensure high quality development, and protect and enhance the character and distinctiveness of Lichfield District.

Other matters

8. The proposal would not have any adverse effect in terms of highway safety and the existing footpath would be maintained. The appellant has confirmed that some trees were removed from the site and that there are also deed covenants that require some action. The Council have not raised concerns with regards to materials prior to issuing a decision and an incorrect address was identified on the Council's report. The appellant also notes that the site is not viewed by some as private land with vehicles parking and, children and dogs entering the land with also some damage to property. I have taken note of the number of objections that were received against the proposal.
9. These benefits and matters however, do not outweigh the harm I have identified in the main issues.

Conclusion

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

Chris Baxter

INSPECTOR