
Appeal Decision

Site visit made on 23 March 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 06 April 2021

Appeal Ref: APP/F2415/D/20/3263844

3 Dalby Avenue, Bushby, Leicestershire, LE7 9RE

- 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 Azizur Miah against the decision of Harborough District Council.
 - The application Ref 20/01100/FUL, dated 24 July 2020, was refused by notice dated 29 October 2020.
 - The development is to remove front garden wall. Erect wall with 3.5N concrete blocks proposed to be finished with copings. Including 11 pillars which are proposed to be finished with string courses and pier caps. It is proposed that the entire wall is to have an 'off white' render finish. Metal railings are proposed to be installed between pillars. Proposed to install 2x electric gates for the 'in' and 'out' driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is partly retrospective as the wall and pillars appear to have been constructed, although they have not been finished. The railings and gates have also not been installed. I have therefore amended the description of development to reflect the position on the ground at the appeal site.

Main Issue

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

Reasons

4. Dalby Avenue is a road that is characterised by wide verges, street trees and hedgerows separating the gardens of the houses along it from the public space. The trees and hedgerows give the road a verdant character. Although there are examples of brick walls these tend to be low and finished in brick. Where there are examples of higher walls these are also in brick. The brick finish of the walls gives them a mellow appearance which blends in with the tree and hedges which are characteristic of the road.
5. The appeal proposal would introduce tall metal railings and gates together with rendered finished wall and piers. This would be at odds with the tree and hedge row lined character of the road. Consequently, it would appear as an incongruous and discordant feature which would disrupt the verdant character of the area. Moreover, the 'off white' finish proposed for the wall would not

respect or integrate with other solid boundary features in the area which are finished in brick and therefore integrate well with their surroundings. It would appear in a stark contrast to the greenery around the site.

6. The development plan for the area includes the Harborough Local Plan 2011 - 2013, adopted on 30 April 2019. Policy GD8 seeks, amongst other things, to promote good design in development. As part of its criteria it expects new developments to enhance local character and distinctiveness, be sympathetic to the local vernacular, respect the context and character of the street scene and integrate with the existing built form. It is clear that due to its height and materials the proposed development is in conflict with this part of Policy GD8 as set out above. I give substantial weight to this conflict and the harm the development causes to the character and appearance of the area.
7. I note that the appellant has argued that the wall and railings are required in order to improve security at the premises and to provide a safe place for children to play. Policy GD8 also seeks to ensure that new developments minimise the opportunity for crime and maximise natural surveillance.
8. Whilst I have had regard to this argument I give it limited weight in this appeal as there is no evidence supplied with the appeal to show how the walls and proposed railings would minimise the opportunity for crime when there might be other opportunities for burglars to enter the premises. Moreover, and with regard to providing a safe place for children to play, I note that the house has a rear garden which would provide adequate play space. Consequently, these matters do not outweigh the harm the development causes to the character and appearance of the area.

Other Matters

9. I note that the appeal site is adjacent to the Thurnby and Bushby Conservation Area. However, the appeal site has no visual connection with the Conservation Area which primarily fronts on to the main road and not Dalby Avenue. Therefore, the appeal development would not affect the setting of the Conservation Area.

Conclusion

10. For the reasons given above the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR