The Planning Inspectorate

Appeal Decision

Site Visit made on 24 May 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/K0235/W/21/3269151
2 Churnet Close, Brickhill, Bedford, Bedfordshire MK41 7ST

- 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 Steven Perry against the decision of Bedford Borough Council.
- The application Ref 20/02142/FUL, dated 21 September 2020, was refused by notice dated 21 December 2020.
- The development proposed is described as: 'Demolish existing brick wall in garden of 2 Churnet Close, Brickhill, Bedford MK41 7ST, erect new 6' wooden fence (with concrete posts and gravel board base) and change use of land (currently identified as being general amenity open space which is within the title of No. 2 Churnet Close BD85561) to garden land.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has made a request at appeal stage that consideration be given to potential alternative options for replacing the existing brick wall referred to in the description of development. However, as the appeal process should not be used to evolve a scheme, I cannot consider alternative proposals. Indeed, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the proposal/plans considered at appeal stage are essentially the same as what was considered by the Council at planning application stage. I shall determine the appeal accordingly.

Main Issue

3. The effect upon the character and appearance of the area.

Reasons

4. The appeal site is located within a residential area where properties are typically positioned upon generously sized plots and setback a variety of distances from plot boundaries. Various grassed verges and planted features are in place local to the site. Thus, even when acknowledging the regular local presence of brick walling and that trees removals have recently occurred within the highway adjacent to the site, the area has a somewhat spacious and green residential character and appearance.

5. Whilst local boundary treatments that are visible in the streetscene tend to be brick-constructed, I was able to observe several close-boarded timber treatments near to the site. These sightings included at different points along Westrope Way. Thus, notwithstanding the site's corner plot location, the

intention to erect a timber fence to replace the existing brick wall does not in itself raise undue concerns in principle.

6. However, the scheme also involves the repositioning of boundary treatment to incorporate a strip of open amenity land (the strip) as part of the appeal property's defined private garden area. The strip is of narrow width and does not contain substantial planting. Nevertheless, as a slimline grassed area, it plays a meaningful role in softening the bult environment and positively contributing to the local area's somewhat spacious and green residential character and appearance. This is even when recognising that a further grassed verge runs parallel to the strip, on the opposite side of the adjacent footway.

7. To my mind, the importance of the softening role performed by the strip has heightened now that established tree specimens have been removed from the verge. Indeed, any replacement planting to be undertaken as part of the Council's winter planting programme would realistically take time to properly establish. In any event, the intended change of use would be neither progressive nor innovative and would instead have a negative influence in character and appearance terms.

8. Various existing fences in the area (of not dissimilar composition to that which is proposed here) have been brought to my attention and it was apparent upon inspection that some of these are positioned to the back edge of footways. However, the closest such fences tend not to have a direct visual relationship to the site and often assume relatively discreet locations when compared to adjacent to Westrope Way, a route of status locally that serves multiple off-shoots. I also note that existing fencing in locations such as Tyne Crescent, Hamble Road and Carron Road is sufficiently distanced from the site to be of limited relevance to my considerations.

9. For the above reasons, the scheme, through the enclosure of open amenity land, would cause harm to the character and appearance of the area. The proposal conflicts with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted January 2020) in so far as these policies require all new development to respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness.

Other Matters

10. I acknowledge that, as far as I am aware, no objection to the scheme has been raised by any nearby residential occupier. However, it remains for me to consider the proposal in the wider public interest.

11. Consistent with the appellant's own assertions, the existing brick wall that is intended to be replaced could be observed upon inspection to exhibit cracks and to be leaning towards the highway (at least in-part). It is my understanding that the damage was likely caused by the former highway trees now taken out. Even so, the scheme would deliver a benefit in safety terms through the removal of a potentially unstable structure in proximity to a publicly accessible footway.

12. However, particularly when factoring in the availability of potential alternative alignments for the proposed replacement fence, the scheme's safety benefits attract insufficient weight to outweigh the not insignificant level of harm that

would be caused by the proposal to the character and appearance of the area. The proposed development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR