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# Appeal Decision

Site Visit made on 24 May 2021

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 June 2021**

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**Appeal Ref: APP/N3020/W/21/3269401**

**7 Colwick Manor Farm, Colwick, Nottinghamshire NG4 2DP**

- 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 Martin Brown against the decision of Gedling Borough Council.
  - The application Ref 2020/0978, dated 23 October 2020, was refused by notice dated 8 January 2021.
  - The development proposed as originally described was "to move the garden wall 2 metres to the edge of the property boundary (but still within), to allow the garden to be enlarged. To be rebuilt in the same fashion. I have been informed it includes a change of use from amenity space to garden".
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of land to garden land and re-siting of boundary wall at 7 Colwick Manor Farm, Colwick, Nottinghamshire NG4 2DP in accordance with the terms of the application, Ref 2020/0978, dated 23 October 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Location Plan – Proposed, and Proposed Plan and Elevations dated 17 October 2020.
  - 3) The development hereby permitted shall be constructed of the materials specified on the planning application form.

## Preliminary Matters

2. In the decision above I have used the more concise description of development given on the Council's decision notice, save for the term '2m high' as the submitted drawings indicate that the height of the proposed wall would be 1.83m, as acknowledged by the Council in their reason for refusal. This description best reflects the development for which planning permission is sought and does not change anything fundamental.

## Main Issue

3. The effect of the development proposed on the character and appearance of the area.

## Reasons

4. The appeal property is a semi-detached dwelling located on an irregular shaped plot in a prominent street corner position. The area is residential and the existing property boundary is formed by a brick wall and timber panels. The boundary creates a strong sense of enclosure at the entrance into Shakespeare Close. Beyond the wall is a grass verge which contains a street sign, telegraph pole and lamppost.
5. Properties in the surrounding area, including the appeal property itself, are generally set back a small distance from the road with open front gardens, some with low level planting. This gives the area an open, verdant appearance which contributes positively to the character of the residential area.
6. Although the proposed wall would be positioned to the side of the property and be visible from both Colwick Manor Farm and Shakespeare Close, the existing wall is already a relatively prominent feature in the street scene. Effectively moving it a short distance closer to the highway would not dramatically change this situation. Moreover, the wall would not be built hard up against the boundary with the road, a narrow section of the grass verge would be retained which would help soften the appearance of the wall.
7. Furthermore, there are examples of other boundary walls on Colwick Manor Farm and Tudor Close which are prominently positioned against the pavement edge. In that context, and taking into account the above, the appeal scheme would not be harmful to the character and appearance of the area. Consequently, there would be compliance with Policy 10 of the Core Strategy<sup>1</sup> and Policy LPD35 of the Local Plan<sup>2</sup>. These policies require, amongst others things, that development makes a positive contribution to the public realm and reflect local characteristics. It would also not be contrary to Paragraph 127 of the National Planning Policy Framework, which requires, amongst others matters, development to be sympathetic to local character.

## Other Matters

8. Concerns have been raised regarding the effect of the proposal on visibility for vehicles emerging from adjacent driveways. However, the Council have not objected to the proposal in this regard. Based on the evidence before me and my own observations on site, there is nothing that would lead me to reach a different conclusion in this respect.

## Conditions

9. In addition to the standard time limit condition, a condition specifying the approved plans is also necessary for certainty. The Council have suggested a condition requiring the development to be constructed in accordance with the materials identified in the evidence. I have accordingly imposed such a condition in the interests of the character and appearance of the area.

## Conclusion

10. For the above reasons, and subject to the conditions specified, the appeal should be allowed.

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<sup>1</sup> Gedling Borough Aligned Core Strategies (Local Plan Part 1) 2014

<sup>2</sup> Local Planning Document (Part 2 Local Plan) 2018

*Mark Ollerenshaw*

INSPECTOR