



Appeal Decision

Site Visit made on 10 August 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/A0665/D/21/3273308

Woodlands, 36 Park Lane, Hartford, Northwich CW8 1PZ

- 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 Gary Johnson against the decision of Cheshire West and Chester Council.
 - The application Ref 20/02491/FUL, dated 15 July 2020, was refused by notice dated 23 February 2021.
 - The development proposed is the erection of wall in front of property, to include render. Electric remote control sliding gate to be installed (Retrospective).
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Decision

1. The appeal is dismissed insofar as it relates to the electric remote control sliding gate. The appeal is allowed insofar as it related to the erection of wall in front of property, to include render at Woodlands, 36 Park Lane, Hartford, Northwich CW8 1PZ in accordance with the terms of the application, Ref 20/02491/FUL, dated 15 July 2020.

Preliminary Matters

2. Despite the description of development found on the planning application form, I have used the version set out on the decision notice and the appeal form as they better reflect the scheme that is before me. This is especially the case insofar as the height of the wall which has been erected on site in accordance with the submitted plans. However, no sliding gate had been installed at the time of my visit nor are there any details of this on the submitted plans. I have considered the appeal on this basis.
3. Due to the absence of detail in respect of the sliding gates I wrote to the main parties seeking their comments on whether a planning condition could provide a satisfactory mechanism to secure the details and implementation of the sliding gates. I have noted the response received in reaching my decision.

Main Issue

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

Reasons

5. The appeal site comprises of a detached dwelling in Park Lane which is lined by residential properties set behind boundary treatments that include low walls and brick piers, fences and/or landscaping. According to the submitted plans, a low boundary wall used to extend across the frontage of the appeal property.

6. It is contended by the Council that neighbouring boundary treatments at 29 and 34 Park Lane especially do not benefit from planning permission. However, based on the submitted photographs and my own observations, these appear, based on their condition, to have been in situ for a good number of years and are now likely to be immune from enforcement action. They therefore form part of the overall character and appearance of the area.
7. The height of the wall broadly responds to the scale of boundary treatments bordering the road. While the wall and fence at No 29 may serve its rear garden, it remains part of the same street scene as the appeal property. The wall extends across roughly two-thirds of the appeal property's frontage which reflects the general width of boundary treatments in the area. Furthermore, its solid appearance is not uncharacteristic compared to nearby fences or wall/fence. The render finish does differ from the general use of brick or timber, but it is a high-quality finish that in my view contributes positively to the character of the area.
8. Gates are not a characteristic of the street as driveways remain open despite being framed by either brick walls and piers or vegetation. As such, the proposed gates would introduce a discordant form of development that would not respect the prevailing character and appearance or positively contribute to the area. Despite the appellant's willingness to accept a planning condition, it would not overcome this in principle harm to the character and appearance of the area. Hence, the condition would not satisfy the 'necessary' test.
9. I conclude that the wall accords with Policy ENV 6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies and Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, the Cheshire West and Chester Council House Extensions and Domestic Outbuildings Supplementary Planning Document (Consultation Draft) and the National Planning Policy Framework. Jointly these seek, among other things, high quality design that respects the prevailing scale and height, local character and uses high quality materials. I also conclude that the proposed sliding gates would not accord with these same policies and documents for the reasons set out.

Conclusion

10. I have the power to issue a split decision. In this case, the sliding gates have not yet been erected. While they would be physically attached to the wall, the wall has been built and is functioning, and could continue to function for its intended purpose without the gates. Consequently, I conclude that the appeal should be allowed insofar as the wall. No planning conditions are necessary as the wall has been erected in accordance with the submitted plans. The sliding gates would introduce a discordant feature that would harm the character and appearance of the area and a planning condition would not overcome that harm. I conclude that the appeal is dismissed insofar as the electronic remote control sliding gate.

Andrew McGlone

INSPECTOR