
Appeal Decision

Site Visit made on 10 August 2021

by John Gunn Dip TP, Dip DBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/C3430/D/21/3271363

1 Oakridge Drive, Cheslyn Hay, WS6 7QZ

- 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 & Mrs J & S Whitehouse against the decision of South Staffordshire District Council.
 - The application Ref 21/00009/FUL, dated 5 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is described as 'Retrospective householder planning application for the retention of relocated 1.8m boundary fence'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

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

Reasons

4. The appeal property is a semi-detached house located on a corner plot. It is positioned side on to Landywood Road (LR) and fronts a cul-de-sac containing houses of a similar design. Opposite the appeal site is a landscaped buffer that runs parallel to LR for much of its length. The dwellings in the immediate vicinity of the appeal site have well defined building lines and modest sized front gardens.
5. The wooden fence sits well forward of the side elevation of the host property, and other properties that front onto LR. It lies immediately adjacent to the back edge of the footpath. As a result of its height, materials and positioning it dominates the land to the side of the host property and appears as a prominent and incongruous feature in the street scene. Moreover, it has introduced a

form of development, to an area of land that was previously devoid of structures, that significantly erodes the open character and appearance of this prominent corner site.

6. I acknowledge that there are a limited number of instances on the estate, where walls and fences have been established close to the back edge of the footpath on corner plots. However, the example provided by the Appellant is not typical of the predominant character and appearance of the area, nor of the substantial scale and prominence of the land enclosed on the appeal site. Furthermore, I am not aware of the circumstances that prevailed when the fence referred to was erected. It does not provide justification for the appeal development that fails to add to the overall quality of the area.
7. Given my findings above I conclude that the development results in harm to the character and appearance of the area. This would conflict with Policy EQ11 of the South Staffordshire Core Strategy, the South Staffordshire Village Design Guide 2018, and the National Planning Policy Framework, which collectively support developments which respect local character and distinctiveness, and contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

Other Matters

8. I acknowledge the appellant's desire for an increase in the amount of private amenity space. However, it is unlikely that the form of the development before me is the only option to achieve this outcome. This matter carries limited weight in my consideration of the proposal.

Conclusion

9. The proposal would harm the character and appearance of the area in conflict and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR