



Appeal Decision

Site Visit made on 14 September 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/F1610/W/21/3276472

24 Winchcombe Gardens, South Cerney, Gloucestershire GL7 5WJ

- 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 Jacqui Smith against the decision of Cotswold District Council.
 - The application Ref 20/04534/FUL, dated 16 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is 'the retrospective erection of garden wall and railings, and material change of use of land to residential use'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that when development commenced the appellant was unaware the scheme required planning permission. At the time of my site visit the wall had been constructed but the proposed metal railings and gate were absent. The proposal is therefore partly retrospective and I have determined the appeal accordingly.

Main Issue

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

Reasons

4. The appeal site is located within a residential area and is one of a number of houses that appear to have been constructed at a similar time and to a similar typology. Houses face on to the road, with very modest frontages that are generally enclosed by horizontal black metal railings running between widely spaced black metal posts, and gates of a similar style. These are relatively low in height, generally extending only up to windowsills at ground floor level. As such they do not obscure building frontages.
5. There are also some houses in the vicinity where front boundaries are defined by low level stone walls. These have the appearance of being traditional dry stone wall constructions topped with stones set on edge. These again are situated very close to front facades. The combination of these very tightly defined front boundaries and the simplicity of materials and styles, being either black railings with a horizontal emphasis, or low level dry stone walls, is a positive defining feature of the character and appearance of the area. Although the site is not in a Conservation Area or an Area of Outstanding Natural

Beauty, there is a local distinctiveness here which in my view is important to protect appropriately.

6. Whilst the proposed design in isolation could be considered high quality, the position of the front boundary wall creates a considerably larger enclosed frontage than neighbouring properties and is contrary to the prevailing pattern of development in the area. Combined with the wall being noticeably taller in height than other railings or front boundary walls, and with stone piers creating a more vertical emphasis, it appears as an overly dominant feature. This would be further emphasised by the addition of narrowly spaced vertical metal railings, at odds with the horizontal emphasis of other residential boundaries. Whilst individually the chosen materials are evident within the wider development, and are undoubtedly sufficiently durable to last many years, the mix of stone and vertical metal railings together would further detract from the pleasing simplicity of other boundaries in the locality.
7. No robust evidence is before me to confirm the existing lawful use of the land contained by the boundary wall subject of this appeal. Nevertheless, were I to allow the appeal, and should such land not already be lawfully in residential use, I see no reason to resist the proposed change to residential use. However, I conclude that the mix of materials, position and form of the wall, would harm the character and appearance of the area. It would consequently be contrary to Policy EN2 of the Cotswold District Local Plan 2011-2031 (adopted 2018) which seeks to ensure that proposals accord with the Cotswold Design Code and are of a quality consistent with the character and appearance of the locality.
8. Given the particular circumstances of this case, the proposal would conflict with the overarching aim of the Cotswold Design Code which provides guidance as to how proposals, including boundaries to front gardens, may be designed to be sympathetic to key qualities of the area. For these reasons the proposal would also be contrary to key principles established in chapter 12 of the National Planning Policy Framework (2021), including for proposals to be sympathetic to local character and maintain a strong sense of place.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR