



Appeal Decision

Site visit made on 25 October 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/E2001/W/21/3278869

56 Main Street, Wawne, East Riding of Yorkshire HU7 5XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ian Coldbeck against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/04222/PLF, dated 14 December 2020, was approved on 1 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is erection of a 1.2m high wall with railings and electric gate to front boundary.
 - The condition in dispute is No 3 which states that: The wall shall be set back from the highway boundary in accordance with the details shown on the submitted Site Plan (drawing no. 018/019 007 B received 16 March 2021) in order to allow the soft landscaping to be planted within the applicant's land. The landscaping shall comprise Buxus sempervirens (Common Box) which shall be planted at a spacing of at least 4 plants per metre across the full length of the southern boundary of the site except for the section shown to serve the vehicular access and shall be allowed to grow up to a minimum height of 60cm. The planting shall be carried out on completion of the wall or in the first planting and seeding season following the construction of the wall (whichever is the sooner). The planting shall be retained for the lifetime of the development and shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
 - The reason given for the condition is: This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and because a well-designed landscaping scheme can help to reduce the impact of the development on the surrounding area.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for the erection of a 1.2 metre high wall with railings and electric gate to the front boundary of 56 Main Street. A condition was attached to ensure that soft landscaping is planted in front of the wall. The appellant seeks to remove condition 3 so that the wall and gates can be constructed without the planting.
3. I have no reason to disagree with the conclusions reached by the Council in respect of all other issues relating to the determination of the planning application.

4. The main issue is whether condition 3 is necessary and reasonable in the interest of the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises a newly constructed bungalow. At the time of my site visit, the front boundary was open with a large area of gravel and hardstanding to the front of the dwelling. The main parties have highlighted that previously there was a hedge to the front boundary of the appeal site.
6. Within the surrounding area there are a mix of boundary treatments including hedges, walls and fencing which vary in height. There are boundary treatments within the vicinity of the site which have no planting in front of them and are higher than the wall approved. The appellant has drawn my attention to the properties opposite the appeal site. I observed on my site visit that 41 Main Street had soft landscaping adjacent to the boundary treatment within the site which was visible from the highway. Although 43 Main Street had a high boundary wall, the hedge above softened its impact.
7. I noted on my site visit that in general the area is largely verdant. Where there is hard landscaping this is softened by planting such as hedges, plants and grass adjacent to the boundary treatment.
8. The condition ensures that soft landscaping is planted to soften the boundary wall and to ensure that the scheme is in keeping with the character of the surrounding area and previous boundary treatment. Without the condition and the soft landscaping, the boundary treatment would have a negative impact upon the surrounding area. This is because it would not reflect the verdant character of the area. I recognise that the condition is specific in stating the species, spacing and height of the hedge. Nonetheless, without a precise condition an alternative and inappropriate hedge could be planted. Thus, the condition is necessary to ensure that the development has an acceptable impact upon the visual amenity of the surrounding area.
9. Consequently, condition 3 is reasonable and necessary in its current form to protect the character and appearance of the surrounding area. Removing the condition would be in conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (2016). This policy seeks, amongst other matters, to achieve high quality design through incorporating appropriate boundary treatments.

Other Matters

10. I acknowledge the other matters highlighted by the appellant including that a high school bus picks up pupils outside their property, trespassers, they did not agree to the planting, the development of the site has improved its appearance and that the planting scheme is too expensive to implement. I also note their comments regarding the objector and Highways did not object to the scheme.
11. In terms of the cost of the planting, the appellant has not provided any substantive evidence, for example a quote from a supplier, to demonstrate the cost of the planting. In addition, the appellant has not suggested an alternative, cheaper species to the Common Box specified in the condition.
12. I recognise that the wall could be built without planning permission if it was reduced slightly in height. Nonetheless, the scheme before me requires

planning permission. The other matters highlighted by the appellant do not outweigh the harm identified.

Conclusion

13. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR