



Appeal Decision

Site visit made on 28 September 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/C3240/D/21/3278021

Arbor House, Farm Lane, Horsehay, Telford TF4 2NE

- 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 Mike Carter against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0686, dated 7 August 2020, was refused by notice dated 16 June 2021.
 - The development is installation of 2 new roof lights and installation of gates and cladding to fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An incorrect site address was given on the planning application form, with the address of the adjacent property being provided. All subsequent documentation produced by the Council repeated this error. The error was also repeated on the appeal form. I am compelled to point out, and parties are advised to take heed for future reference, that a fundamental error of this nature is astonishing. The correct site address has been confirmed during the appeal process, and this is provided in the header above.
3. As the site is clearly and correctly identified on the submitted plans, I consider that anyone viewing the details during the planning application process would have been able to identify the correct site. Additionally, as the development is retrospective it would have been evident to anyone visiting the site where the site was. Furthermore, the representations submitted during the process clearly identified the correct site. For these reasons, I am satisfied that no one would have been prejudiced at the time, nor would they be now in my determining the appeal at this stage.
4. As noted above, which I observed during my site visit, the development has been carried out. I have taken account of this in reaching my decision.
5. An up-dated version of the National Planning Policy Framework (the Framework) was published following submission of the appeal. I consider its content relevant to the main issue has not been significantly altered. I have taken it into account in reaching my decision.

Main Issue

6. The main issue is whether the development would preserve or enhance the character or appearance of the Horsehay and Spring Village Conservation Area.

Reasons

7. The appeal site comprises a detached, two-storey dwelling sited to the rear of a reasonably sized plot, with a detached garage sited between the front boundary and the dwelling's western facing elevation. The property forms part of a small residential development constructed in recent years, located on the eastern side of Farm Lane, on the western edge of the Horsehay and Spring Village Conservation Area, (CA), which includes some Listed Buildings.
8. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, and to give considerable importance and weight to the desirability of preserving the setting of any Listed Buildings. Additionally, paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 also advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset.
9. To my mind, the part of the CA within which the site is located derives its significance from its tranquil, rural character and appearance. The CA map shows the area of land within which the small residential development has been constructed to have previously been undeveloped. The stretch of Farm Lane from wellington Road to the point south of the site where bollards have been installed in the road, has an overall rural character and appearance, with boundary treatments to the lane being mainly hedges and trees.
10. The evidence before me indicates that the Council sought to retain the rural character and appearance of this section of the CA by, for example, approving a timber post and rail fence with hedges behind as the boundary treatment along the boundary of the residential development and Farm Lane. Additionally, I understand that certain permitted development rights were removed from the properties, including those that would allow for fences, gates, and roof lights.
11. I consider the horizontal strips of cedar cladding which have been installed across the entire boundary of the site along Farm Lane, to a height of around 1.3m, with gates inserted centrally, introduce an incongruous, suburban style fence to a lane with a rural character and appearance. The insertion of the cladding also disrupts the stretch of open, timber post and rail fencing that is sited along the eastern boundary of the residential development. I accept that the cedar timber will weather over time. However, the cladding arranged as it is, in horizontal strips with small gaps in between, at the height that it is, would still appear as a solid looking structure in a style out of keeping with existing boundary treatments along the lane.
12. As regards the gates, although they have cast iron detailing across the top, which is in keeping with the area, the vertical cedar panels which the gates are primarily constructed of also give the gates a solid appearance, which is at odds with the light weight, open appearance of most of the gates along the section of Farm Lane close to the site.
13. Regarding the roof lights, I am satisfied that their design, size, and siting are such that they would not harm the character or appearance of the area, and therefore would preserve the CA.

14. Additionally, the Council are satisfied that the development does not harm the setting of any Listed Buildings within the surrounding area. Given that the immediate surroundings of the site comprise of relatively modern, dwellings, I am also satisfied that the settings of Listed Buildings would not be harmed.
15. Notwithstanding my conclusion regarding the roof lights, I conclude that the cladding fence and gates would have a significant detrimental impact on the street scene and the character and appearance of the area. Therefore, the development does not preserve or enhance the character or appearance of this part of the CA.
16. With reference to paragraph 202 of the Framework, I consider the degree of harm to the character and appearance of the CA resulting from the fence and gates to be less than substantial. The Framework therefore advises that such harm should be weighed against any public benefits resulting from the proposal.

Other considerations & planning balance

17. The appellant contends that the reason for installing the gates was that following the closure of Farm Lane as a through road, he experienced several incidents of vehicles using his driveway to turn around. Additionally, it is asserted that the cedar cladding fence panels were installed to provide greater containment of the family's young children and pets. I consider these to be benefits of a private, rather than public, nature.
18. I appreciate the desire to want to stop one's drive being used as a turning point and to wish to contain children and pets within the dwelling's curtilage. However, I have no doubt that there would be gates, fences/boundary treatments of a different design, size and materials that could achieve the same objectives, whilst also, at minimum, preserving the character and appearance of the CA.
19. Notwithstanding my conclusion regarding the roof lights, I consider the significant harm to the character and appearance of the CA resulting from the fence and gates would not be outweighed by the other, personal, considerations outlined. I have not been informed of any public benefits that would ensue from the development.
20. Consequently, the development, as a whole, does not accord with policies BE1 and BE5 of the Telford & Wrekin Local Plan 2011-2031, (2018), or design and heritage policies in the Framework. Collectively, and among other things, these policies require development to preserve or enhance the character or appearance of CAs, to respond positively to its context and to preserve traditional frontages and boundary treatments.

Conclusion

21. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR