



Appeal Decision

Site visit made on 23 December 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022.

Appeal Ref: APP/C4235/W/21/3277867

11 Appleby Road, Gatley, Cheadle, SK8 4DQ

- 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 Shakir Qadiri against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/079381, dated 14 January 2021, was refused by notice dated 30 April 2021.
 - The development is new white metal railing, new sliding gate (white metal railing), new boundary wall (white carrara marble effect tiles).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is: *"The application is based on my front garden. I have used tiles on the outside wall of my property. However, I was not aware this can be an issue to the government. I highly request the government to allow this because I have spent a significant amount of money on this. In these difficult times of covid collected every pound has been a challenge to me. I hope you understand and empathise with my circumstances. If you can provide an alternative to a solution please let me know and help me in this situation. Secondly, the second issue consists of the height of the wall being above 1 meter. Again this has cost be a lot of money and reducing the height involves breaking the whole wall down whilst material being destroyed. To me, this will be a significant loss and I highly request you to give me an alternative solution which does not involve removing or ruining the wall."*
3. The Council changed the description of development to *"To erect/retain an existing front boundary wall and cladding to the main house approx. 2 metres tall. (Retrospective)"*. However, the boundary treatment is not 2 metres tall and the appellant does not refer to any cladding to the house on either his application or appeal forms. Nor have any details or drawings of any cladding to the house been submitted. Moreover, such development would normally be covered by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, I have considered only the boundary treatment that has been applied for by the appellant. In the interests of brevity, I have taken the description of development from the appeal form.

4. The development has already been completed and therefore I am considering this appeal retrospectively. This has not influenced my decision.

Main Issues

5. The main issues in this appeal are the effect of the development on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

6. Appleby Road is a residential street comprising houses and bungalows set back behind front gardens and parking areas. Most of the front boundaries to the dwellings in this area are defined by low walls and fences with planting behind. This gives the street an open and pleasant feel.
7. The new front garden enclosure at the appeal site consists of 1.1 metre high breezeblock walls with 1.7 metre high pillars. The walls and pillars are internally clad with white marble effect tiles. The tile cladding has also been added to the external face of the wall fronting the pavement, but not to the external walls facing into the neighbouring front gardens. The 1.7 metre high sliding gate and the 0.6 metre high railings above the walls, consist of white horizontal steel bars with decorative spikes along the top.
8. As a result of the height and materials used, the new boundary treatment appears as a large and incongruous feature in the street scene, which detracts from its prevailing character.
9. The boundary wall, railings and gates are therefore contrary to policy SIE-1 of the Stockport Metropolitan Borough Council Core Strategy DPD (2011), which requires new development to have regard to the built environment that it sits within in terms of, amongst other things, height, materials and landscaping. I do not find saved policy CDH1.8 of the Stockport Unitary Development Plan Review (2006), which relates specifically to house extensions, to be relevant to this development and I have not been provided with a copy of the Supplementary Planning Document also referred to in the Council's decision notice.

Highway Safety

10. The height of the new wall and railings obstructs the visibility of drivers exiting both the appeal site and the neighbouring property, number 13 Appleby Road, which is detrimental to the safety of pedestrians and other highway users.
11. The appellant advises that he would ensure no parking ever takes places within the front garden of the appeal site. However, such a condition would be difficult to enforce, would be unreasonable given that the property has a garage that can only be accessed via the front garden and would not in any event address the obstructed visibility for vehicles exiting number 13.
12. The development is therefore contrary to policy T-3 of the Stockport Metropolitan Borough Council Core Strategy DPD (2011), which resists development that would have an adverse impact on highway safety.

Other Matters

13. Whilst I have had regard to the time, money and effort that has been put into the works undertaken by the appellant, this does not outweigh the harm that has been caused and the same argument could be made for all unlawful developments.
14. It is not within the remit of the appeals process to negotiate or suggest amendments. In the interests of fairness to all parties, any amendments to the development that require planning permission, would need to be subject to a further planning application and public consultation.

Conclusion

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

Rachael Bartlett

INSPECTOR