



Appeal Decision

Site visit made on 10 February 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST February 2022

Appeal Ref: APP/J0540/D/21/3287263

3 Woodgate Farm, Woodgate Lane, Maxley, Peterborough PE6 9ED

- 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 B Trivedi against the decision of Peterborough City Council.
 - The application Ref 21/01021/HHFUL, dated 7 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is described as 'the construction of boundary wall, metal railings and gates (retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that the development has been completed.

Main Issue

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Maxley Conservation Area (CA).

Reasons

4. Maxley is a very old settlement with a strong association with the surrounding agricultural landscape. The CA, which is focussed on the older parts of the village, therefore has evidential and historic value as a repository of village morphology and life from a bygone era. The mix of fine period buildings, soft landscaping and views out to the wider landscape also provide a locally distinctive rural character and significance. The use of stone and thatch as a finishing material in many of the historic buildings reinforces this character, and fortuitously provides a pleasant aesthetic value to the village.
5. In the latter half of the 20th Century the village was subject to a high level of generic infilling. It often exhibited a discordant suburban character due to the use of repeated house types, garages, close boarded fencing, and frontage parking. This has been reinforced by pavements and modern streetlamps. The significance of the CA has therefore been moderately eroded. That said, an overriding rural character has endured.
6. Throughout the CA there are examples of locally distinctive stone walling, which is often used to distinguish the public realm from private spaces. The walls are often low and used in combination with soft landscaping. These features add to the significance of the CA. There are some good examples around the entrance to Woodgate Lane.

7. Woodgate Lane is narrow and flanked in part by soft landscaping and grass verges. It therefore has an overriding rural character and appearance, especially as it leads into the open agricultural landscape beyond the village. It therefore adds to the value/significance of the CA. That said, the housing is generally modern and exhibits some suburban features. In this respect Woodgate Lane is a microcosm of the wider CA, as it has features that have both a positive and negative impact on the eroded historic and rural character, appearance, and significance of the CA.
8. The appeal site encompasses a modern detached house with an entrance taken from Woodgate Lane. The entrance incorporates the boundary walling, railings and gates the subject of this appeal. These features are a fussy and ornate addition that do not reflect the rural character and traditional boundary treatment that otherwise affords the CA its significance. It is unfortunate that local stone has not been utilised because the use of modern materials has provided a neat and clinical finish out of keeping with the rustic rural scene elsewhere in the CA. The entrance gates are too grand and ornate for what is a unassuming lane, and this affords them a discordant appearance despite the visual permeability of the railings.
9. The position of the wall and railings right up against the lane means there is no scope to soften their presence with robust planting. The imposition of a landscaping condition would therefore be ineffective in mitigating the harm. As a result, the appeal scheme has a hard urban appearance, which is accentuated by the adjoining close boarded fence and the expanse of unrelieved driveway. The appeal scheme therefore harms the character, appearance, and significance of the CA.
10. In coming to this view, I note that there are some examples of ornate gates within the village. The appellant has directed me to some in Castle End Road. These are generally isolated examples though. I instead observed several instances of rural style timber five bar gates and such like being used along Castle End Road as a means of gating driveways. Similarly, hedging and local stone walls seemed to be the most common boundary treatment. As a result, modern gates and brick walls have eroded rather than fundamentally altered the overall rural character of the CA. Thus, these discordant features do not justify the further harm that the appeal scheme is having to the character, appearance, and significance of the CA.
11. The appeal scheme is modest and can only really be seen from Woodgate Lane. However, minor changes such as this, if repeated, can erode the positive aspects of a CA when they occur over time. Accordingly, they should be resisted to prevent incremental harm to the CA as a whole.
12. The harm that has occurred to the character and appearance of the CA is not severe and therefore it is 'less than substantial' within the meaning of Policy LP19 of the LP¹. In such circumstances the harm is to be weighed against the public benefits of the proposal. In this respect I have carefully considered the appellant's submissions that the proposal assists with security due, in part, to the unlit nature of the lane. However, substantive evidence (beyond unsubstantiated references to dog napping) is not before me to indicate crime has been especially prevalent along Woodgate Lane or in the village more generally. As a result, the security benefits of the proposal carry limited weight.

¹ Peterborough Local Plan 2016 to 2036 – see also Paragraph 202 of the National Planning Policy Framework

13. Paragraph 199 of the National Planning Policy Framework (the 'Framework') states that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Considerable importance and weight must be given to the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA². This does not amount to a direction to refuse proposals that harm designated heritage assets, but it provides a strong presumption in favour of preservation.
14. In this context, the harm arising from the proposal is not outweighed by its limited public benefits. I therefore conclude by finding that there is a conflict with Policies LP16 and LP19 of the LP, and Paragraph 200 of the Framework, as harm to a designated heritage asset does not have clear and convincing justification. Moreover, the proposal has failed to preserve or enhance the character or appearance of the Maxley Conservation Area (CA) contrary to the expectations of the LBCAAct.

Other Matters

15. The appellant submits that the appeal scheme did not require planning permission. It is unclear why as the gates, wall and railings are adjacent to the highway and exceed one metre in height³. That said, within the context of an appeal under section 78 of the Act⁴ it is not within my remit to formally determine whether the proposed development requires planning permission. If the appellant wishes to ascertain whether the development is lawful then they may make an application under Section 191 of the Act.

Conclusion

16. The proposal fails to preserve the CA and there are no other considerations that outweighs this harm. The proposal therefore fails to satisfy the requirements of the LBCAAct, the Framework and development plan. Accordingly, for the reasons given, the appeal fails.

Graham Chamberlain
INSPECTOR

² See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAAct)

³ See Part 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) - There is no definition of 'adjacent', but the appeal scheme is near the highway and is clearly perceived as forming the physical boundary between the lane and the appellant's property. From the evidence before me, the proposal seems to be adjacent to the highway.

⁴ The Town and Country Planning Act 1990