



Appeal Decision

Site visit made on 15 February 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/W2465/D/21/3284114

18 Ventnor Road South, Leicester, Leicestershire LE2 3RN

- 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 Dr Nidhi Arora Sethi against the decision of Leicester City Council.
 - The application Ref 20201219, dated 11 March 2021, was refused by notice dated 12 July 2021.
 - The development proposed is to construct of boundary wall along the periphery of the corner property – front and back.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made retrospectively, and I saw on site that the boundary wall had been constructed. For the avoidance of doubt; however, I have assessed the scheme on the basis of the dimensions and details given on the submitted plans.

Main Issue

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

Reasons

4. The appeal relates to a dwelling on a large corner plot at the junction of Ventnor Road South and Wimborne Road, within a residential area. The layout of the property is such that the main garden area lies to the side of the property and next to the junction. A boundary wall of between 2.16m and 2.6m high has been erected around the property, except in front of the dwelling itself where lower walls with wrought iron railings above and wrought iron gates have been installed.
5. I saw on both Ventnor Road South and Wimbourne Road that the predominant boundary treatment is a low, irregular stone wall of around 1 metre in height. This was also the boundary treatment which previously existed at the appeal site, albeit with a taller timber fence behind it that enclosed the private garden. There are some exceptions to this boundary style, notably the dwelling adjacent to the appeal site on Ventnor Road South which has tall timber fencing, and variations where fencing supplements the wall, or the wall has been lowered. However, these do not significantly alter what is a generally

consistent appearance to the front boundaries within the immediate surroundings of the appeal site.

6. The wall is crudely constructed in a mix of large buff and grey coloured blocks in various sizes, in a rough stretcher bond that in places appears not to be laid level, capped with a course of brickwork. Overall, the wall has an unfinished appearance. The prominent corner position of the dwelling, and the substantial length of the wall along both frontages, means that it forms a highly visible feature of the street scene.
7. Given the prevailing pattern of boundary treatments within the immediate surroundings, the appeal scheme is a significant departure, both in terms of size and materials. Along with the tall gates and railings in front of the dwelling itself, the wall forms a dominant and incongruous feature that imposes itself on the street scene. I understand that mature landscaping previously in place within the garden has also been removed. I saw that at surrounding properties, height and screening on the boundaries is in many cases provided by planting which adds a verdant character. The appeal proposal conflicts with these characteristics and in removing trees and hedges has left the wall particularly exposed and conspicuous within the street scene.
8. I appreciate that the orientation of the dwelling is such that the main private garden area lies to the side and adjacent to the street, rather than to the rear of the dwelling, and this brings with it a need for more secure and taller boundary protection. I saw other dwellings of similar orientation, typically on corner plots, to have taller boundary treatments enclosing these garden areas, the nearest examples being tall fencing to the side boundary of 34 Ring Road next door and to the side of No 17 opposite the appeal site. This form of boundary treatment is typical of side and rear gardens and is visually in keeping with the domestic character of the area. It also integrates well with garden planting and does not stand out prominently in the street scene. I also noted the taller brick wall to the western end of Wimbourne Road, though this appeared an isolated example.
9. However, rather than seeking to reflect surrounding boundary treatments, even those seen only to corner properties, the appeal scheme has introduced a starkly different and uncharacteristic design that fails to reflect the surroundings and does not integrate within the street scene on either Ventnor Road South or Wimbourne Road. The appellants indicate that they intend to render the exterior of the wall. This would address the uneven pattern and colouring of the blockwork, but it would still be an uncharacteristic boundary treatment finish within the area that would be as visually strident as the existing wall and would fail to soften its adverse impact on the street scene.
10. The appellants also offer the possibility of cladding the wall in brick look tiles, but this would be similarly uncharacteristic of the surroundings. I have considered whether a condition could be used to require details of a more suitable form of cladding to be submitted and approved by the Council. However, this could result in the wall being materially different in appearance than that applied for. Therefore, I am not satisfied that the harm identified could be overcome by imposition of a planning condition.
11. For these reasons, therefore, I conclude that the development fails to preserve the character and appearance of the area, and so conflicts with Policy CS03 of the Core Strategy (July 2014) (the CS) and saved Policy PS10 of the City of

Leicester Local Plan (January 2006) (the LP), which together require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment, and set out that the visual quality of the area, and its ability to assimilate development, are factors to be considered in determining planning applications. The proposal also conflicts with the aims of the National Planning Policy Framework to secure high quality design in all developments.

Other Material Considerations

12. The appellants state that the boundary treatment was replaced due to repeated burglaries at the property and a resulting need to improve security. It is added that the previous boundary wall was 'completely beyond repair'. I have no reason to doubt the appellants' accounts of these incidents, and I have every sympathy for them. However, there are a number of ways in which security could be enhanced, and I have no detailed information as to the other options considered by the appellants in this regard, or whether other measures have been put in place. I also have no evidence to substantiate the appellants' statement that the previous wall was beyond any repair.
13. Moreover, even if I had evidence to demonstrate that a boundary treatment of the height constructed was the most effective security measure, there are a number of ways this could be achieved, using a variety of materials that would also afford privacy for the appellants in their garden, but at the same time would preserve the appearance of the street.
14. Therefore, whilst I acknowledge the appellants' stated security needs, I am not persuaded that these are only effectively met by the appeal scheme before me, which reduces the weight I afford this as a material consideration to no more than moderate weight overall.

Conclusion

15. The harm identified results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations advanced in support of the development are not of sufficient weight to outweigh this conflict or indicate that a decision should be made other than in accordance with the development plan.
16. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR