



Appeal Decision

Site visit made on 19 February 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/K0235/D/22/3289815
233 Kimbolton Road, BEDFORD MK41 8AE

- 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 Peter Roberts against the decision of Bedford Borough Council.
 - The application Ref 21/01590/73A, dated 2 June 2021, was refused by notice dated 1 October 2021.
 - The development proposed is erection of wall with railings and gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of wall with railing and gates at 233 Kimbolton Road Bedford MK41 8AE in accordance with the terms of the application, Ref 21/01590/73A, dated 2 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the unnumbered plans submitted with the application.
 - 2) The materials to be used shall match those already used in the construction of the walls and in accordance with details and colour of railings/gates which have been previously submitted in writing to, and thereafter approved in writing by, the Local Planning Authority.

Main Issue

2. The main issue is the effect of the wall, gates and railings on the character and appearance of the area.

Reasons

3. Kimbolton Road is a lengthy secondary road which, in the area of the appeal location, is populated by residential properties of differing sizes and appearance. Although predominantly fronted by hedges there are a number of high gates and railings in various configurations. It is clear that the character of the road is changing by increments and the proposal would be part of that change, driven in part, the appellant suggests, by a perception of need to increase security and privacy. However, that is not a reason to suggest that hedges will not be retained for substantial lengths of the frontages.
4. I note that the Parish Council comment on the desirability of screening development behind frontages, pointing to the consequences of hedge removal.

In general, hedges within domestic curtilage can be removed without constraint, consequently the need to seek permission for built replacements such as that here appealed has to be considered against the possibility of an unenclosed front boundary or, as found at the time of my inspection, an incomplete wall which might be argued as permitted development. I therefore attach some weight to certainty in securing satisfactory boundary treatments as there is no means to require reinstatement of hedging in this situation.

5. Works have commenced on site. The fencing and materials proposed would appear to be not incompatible with the character of the area, having regard to a desirable variety in such treatments found in the locality therefore I find no conflict with the objectives of the Bedford Borough Local Plan 2030 in so far as they are relevant and set out at policies 28,29 and 30, seeking to protect the character and appearance of the area.

Conditions and Conclusion

6. A time limit condition is inappropriate where the works have already commenced, however certainty requires conditions to ensure the development proceeds on the basis of this decision and in the interests of protecting the character and appearance of the area. On that basis (and noting the identification of a proposed dark grey finish to the railings) I have imposed a condition requiring the colour and detailing of the metal railings/gates to be approved by the Council but that brickwork should be consistent with what currently exists. I saw that the appellant had already planted behind the line of the frontage and this would suggest the entirely suitable outcome suggested by the Parish Council will be achieved without the need for condition.
7. For the reasons given and taking all matters raised into account, I therefore conclude the appeal should be allowed subject to the conditions above.

Andrew Boughton

INSPECTOR