



Appeal Decision

Site visit made on 22 March 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/Y2003/W/21/3287714

Hatikvah House, North Street, Roxby DN15 0BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Frank Pinder against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/659, dated 12 April 2021, was refused by notice dated 10 September 2021.
 - The application sought planning permission to erect boundary wall without complying with a condition attached to planning permission Ref PA/2020/1228, dated 25 September 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 1074.01 rev B Ex. & Pr. Plans.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for a brick wall along the north, west and south sides of the property to replace the hedge that forms the current boundaries. The wall has a height of around 2.1m along the north and west boundaries. The wall along the southern boundary has railings above, with a total height of around 1.5m. The walls include blue brick for the base and coping.
3. The appellant now wishes to amend the approved plans for the north and west boundaries to enable the use of concrete brown gravel boards to a height of 1.96m, with 2m high white concrete supporting posts every 1.8m. The wall with railings along the southern boundary would be retained but with red bricks for the base and coping rather than blue.
4. Taking the above background into account, the main issue is the effect that varying the condition would have on the character and appearance of the area.

Reasons

5. The appeal property is a two storey detached dwelling located on a corner plot at the western entrance to the village. It shares its western boundary with Roxby Road (the A1077).

6. The Council does not appear to have concerns regarding the proposed change to the wall on the southern boundary from blue base and coping bricks to red. I have no reason to take a different view. The focus of my decision is therefore the effect on the character and appearance of the area arising from the proposed structure along the western and northern boundaries, which would enclose the side and rear gardens of the property.
7. The boundary treatments fronting on to the streets in the vicinity of the property are varied although generally comprise hedging, relatively low walls, with a small number including railings above, and low fencing. Overall, the street scene has an open, verdant, and pleasant character and appearance.
8. The property is in a prominent location on the western edge of the village with fields to the north and west. The proposed structure would be clearly visible in views on the western and northern approaches to the village. It would also be visible from the bus stop opposite and from the one to the south although this would be at a much more acute angle.
9. Policy CS5 of the North Lincolnshire Local Development Framework Core Strategy adopted 2011 (the Core Strategy), and Policy DS1 of the North Lincolnshire Local Plan Including Policies for Minerals and Waste adopted 2003 (the Local Plan) expect a high standard of design in all developments. Accordingly, in locations such as that proposed, where the boundary features would be clearly visible within the area and prominent within the street scene, a certain quality of boundary treatment would be expected.
10. The principle of a more solid and permanent boundary treatment for the north and west sides of the property has been accepted with the permission granted for the wall. The brickwork and detailing of the wall would provide a reasonably high-quality boundary feature at the entrance to the village. However, the proposed structure, although being of a similar height to the wall, would not be of the same standard of design given its more rudimentary appearance. Rather than providing a positive edge to the village, which the existing hedge and permitted wall do, the proposed structure would detract from it. This would be exacerbated by the length of the proposed structure, in particular along the western boundary.
11. I acknowledge that the appellant has sought to minimise these effects through the choice of colour. However, this would not provide adequate mitigation for the harm identified.
12. Fences are not uncommon in the street scene. The appellant has drawn attention to the fence at a nearby property which he considers the proposal would harmonise with. The fences in the vicinity of the property that front on to the street, including the one identified by the appellant, are generally of a much lower height and shorter length than the proposed structure. They are not therefore a dominant feature in the street scene. Where there are taller or longer lengths of fencing, these are set back from the road or form discrete side boundary features. As such, they do not represent a direct comparison to the proposed structure, which would be located along prominent boundaries.
13. The proposal would significantly harm the character and appearance of the area. Accordingly, it would conflict with Policy CS5 of the Core Strategy and Policy DS1 of the Local Plan. Amongst other matters, these policies require all development to be well designed and appropriate for their context, that the

design and external appearance should reflect or enhance the character, appearance and setting of the immediate area, and that poorly designed development will be refused. It would also conflict with Policy DS5 of the Local Plan which requires that residential developments including walls and other structures should be sympathetic in design, scale and materials and not use materials or finishes which contrast markedly with those of the original building or neighbouring properties, amongst other considerations.

Other Matters

14. I appreciate the appellant's desire to have a more solid boundary treatment to provide an element of safety to the property and help reduce traffic emissions affecting the use of the garden. However, there is no reason why the permitted wall would not equally address these concerns.
15. Whilst acknowledging the costs associated with constructing the wall, this does not outweigh the harm identified. No substantive evidence has been presented to demonstrate that the construction of the wall would result in unacceptable impacts to traffic flow on the A1077. In this regard, I note that in the interests of highway safety, a condition was imposed on the original permission requiring that the wall, including any foundations, should not be constructed within the limits of the adopted highway.
16. The appellant highlights that there would be no harmful effects to the living conditions of neighbouring residents. Be that as it may, that would be neutral in my determination of the proposal rather than weighing positively in favour of allowing the appeal.
17. I note the comments made about the correspondence with the Council. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

18. The proposal would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR