



Appeal Decision

Site visit made on 30 May 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2022

Appeal Ref: APP/T2405/D/22/3295739

1 The Elms, Blaby LE8 4EJ

- 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 Mrs Geraldine Oakland against the decision of Blaby District Council.
 - The application Ref 21/1457/HH, dated 9 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is to remove unstable existing wall and move to rebuild in new position.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for the refusal refers to a fence, it is clear from the Council's officer report that they have considered the scheme as a wall, I have also considered the appeal to be for a wall.
3. The appellant submitted amended drawings as part of the evidence for this appeal. These drawings show planting in front of the proposed taller wall section. The changes depicted in the drawings are considered minor and do not change the detail of what is being proposed. Having regard to the Wheatcroft principles, I consider, in this case, that the amended drawings can be accepted, and no party would be prejudiced by doing so.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a detached single-storey dwelling occupying a prominent corner plot on the entrance into the cul-de-sac. The Elms is characterised by dwellings which have predominantly low front boundary treatments. These result in the area having a generally open feel which makes a positive contribution to the overall character of the area.
6. The proposed development includes both a low and taller section of wall and the removal of an unstable existing wall. There is no dispute between the parties in respect of the lower wall element of the proposal which would retain the open characteristics of the street.

7. The proposed development would introduce a new wall with a solid rendered finish. The overall height of the proposed taller section of wall combined with its length along the adjacent boundary site cutting across the side gable of the host dwelling would result in a stark boundary which would jar with the generally lower and more open boundary treatments elsewhere in The Elms.
8. The design of the proposed boundary wall would be angled and set back from the pavement. Whilst this setback would allow for a small landscaped area in front of the wall it would nonetheless result in a significant reduction in the intervisibility of the host property from the street.
9. I have had regard to the desire of the appellant to not be constrained by the original design features of the cul-de-sac and agree that there would be a degree of openness to the front of the property. However, this would only be within the context of the lower wall section. The taller section, whilst being a continuation of the existing boundary wall would create an increased sense of enclosure to this part of the street reducing the sense of openness and thereby harming its character.
10. At the time of my visit substantial works appeared to be underway on the host property. There was little remaining of the wall to be removed and it was not possible to establish its exact location. Notwithstanding this had the wall been in situ it would not have altered my view on the harm identified above.
11. Additional plans showing planting to the front of the wall have been provided as part of the appellant's appeal statement. It is my view that planting would not offset the harm of introducing a wall in this location for the reasons I have already set out.
12. In light of the above, I conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. The proposal is contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019). These seek, amongst other things, to preserve and enhance local distinctiveness.

Other Matters

13. I accept there have been no objections to the proposal from third parties and that the scheme would bring about benefits for the occupiers of the property in terms of privacy and security. However, I find that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.
14. Accordingly, the circumstances presented by the appellant are not a strong justification for setting aside local policies with the legitimate aim of protecting the character and appearance of the local area, in the public interest.

Conclusion

15. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR