



Appeal Decision

Site visit made on 17 June 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND June 2022

Appeal Ref: APP/E2001/W/22/3294463

Foxglove Lodge, North Beck Land, Kilham, Driffield YO25 4RX

- 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 James Rafter against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/04689/PLF dated 22 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described as Erection of a garden wall (retrospective). Resubmission of application ref: 21/03200/PLF.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the proposed wall was in place. The application made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Kilham Conservation Area and the immediate surroundings.

Reasons

4. The site is within a predominantly residential area close to but not within the Kilham Conservation Area. Notwithstanding this there is potential that any development close to a conservation area could affect the setting of the conservation area.
5. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
6. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
7. Neither party have provided any substantive details relating to the significance of the conservation area however during my site visit I noted that the area was

characterised by varying building styles including recently built dwellings, one of which is the appeal site.

8. I understand from both parties that the wall replaced a laurel hedgerow which was to be maintained by virtue of the imposition of a planning condition on the original approval for the site.
9. The character of area is semi-rural which is enhanced by the landscaped open frontages, low level enclosures and the presence of timber cross bar gates. Whilst the bricks used in the construction of the wall are complimentary to the existing property, the gate is an alien feature.
10. I noted during my site visit that are other front boundary walls in the vicinity however in general landscaping softened the appearance.
11. The new dwellings in the immediate area are uniformed in terms of the frontages, the presence of the development detracts from the verdant open boundary character of the area. The development appears incongruous to the streetscene due to the lack of landscaping and the solid urban gate.
12. Taking all these factors above into account, the proposal would detract from the semi-rural setting. The character and appearance of conservation area and area in general and the immediate surroundings would not be preserved.
13. I not persuaded that this is the only type of boundary enclosure which would enhance safety and security at the site and therefore I give this limited weight.
14. The proposed development would conflict with Policies ENV1 and ENV3 of the East Riding Local Plan 2012-2029, Strategic Document (2016) which amongst other things seeks to support the delivery of high quality design which preserves or enhances heritage assets.
15. There is also conflict with the National Planning Policy Framework (2021) and the National Design Guide which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Conclusion

16. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR