



Appeal Decision

Site visit made on 3 January 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/J3720/D/22/3306398

**The Old Forge Cottage, Poolhead Lane, Tanworth-In-Arden,
SOLIHULL B94 5ED**

- 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 & Mrs Mark Simper against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00348/FUL, dated 5 February 2022, was refused by notice dated 15 June 2022.
 - The development proposed is the replacement of existing 1.4m high metal railing gate and metal railing fence 1.3m high (4.1 in length) with 2m high metal railing gate and 1.85m high brick wall in order to improve security.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is within the Green Belt. It is undisputed between parties that the proposed means of enclosure would be an alteration to a building that would not be a disproportionate addition. I see no reason to disagree with this assertion. As such, it would not be inappropriate development and would comply with paragraph 149(c) of the National Planning Policy Framework, resulting in no harm to the Green Belt.

Main Issue

3. The main issue is the effect of the proposed means of enclosure on the character and appearance of the area.

Reasons

4. The settlement is within the Arden Special Landscape Area designated due to its high landscape value. The appeal site is within a cluster of spacious residential plots occupied by large dwellings within a rural setting. These are largely enclosed by hedge and tree boundaries and railing style gates providing a visual connection between landscaped frontages and the public realm. The appeal site is a corner plot. It has a combination of wooden fence panels and hedging along its public boundaries, forming mostly low-level screening only. Accordingly, views of the dwelling and its verdant grounds make a positive contribution to the public realm and the character and appearance of the area.
5. The proposed gate, wall and fence elements would mostly consist of solid components that would obscure some views of the grounds and house and would result in the removal of a section of boundary hedging. This hard form of

enclosure would be out of character with the rural setting of the site and the majority of neighbouring enclosures that favour boundary hedge and tree planting as predominant features. Due to its height, design and materiality the proposal would be a stark and obtrusive feature within this rural context.

6. The Appellants have drawn my attention to a number of local examples of gates. Although these show a variety of styles, most include an open railing design and enable views through to verdant grounds beyond. Most of these also retain frontage hedging that softens the visual effect of these gates and their pillars. Consequently, existing gates are reasonably subtle and achieve a successful balance between security and intervisibility. These do not therefore establish a clear precedent for the proposed means of enclosure which would contrast with most local examples.
7. The dwelling is located on the rear boundary of the site. As such, its only garden area is in front of the house and is overlooked by the public highway. It is recognised that the proposal would screen views of the garden and create a more private space for the Appellants. However, it has not been clearly explained why new planting and boundaries, within the site's sizeable grounds, would not also provide the privacy sought by the Appellants without causing harm to the street scene. This private gain therefore conveys limited weight in favour of the proposal.
8. The Council's concerns with respect to colour could have been addressed by the imposition of a planning condition had I been minded to allow the appeal. Nevertheless, this would not address the harmful effects of the proposal and its urbanising impact on the surrounding area.
9. Accordingly, the proposal would harm the character and appearance of the area. It would therefore conflict with policies CS5, CS9 and CS12 of the Core Strategy. These seek, among other matters, for development to reflect the character and distinctiveness of the locality and to resist development that would have a harmful effect on Special landscape Areas.
10. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR