



Appeal Decision

Site visit made on 4 January 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/C4615/D/22/3301117

2 Foxhunt Road, Halesowen, Birmingham, West Midlands B63 4LB

- 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 Ahmed against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0207, dated 28 April 2021, was refused by notice dated 20 May 2022.
 - The development proposed is erection of 2m front wall, pillars, railings and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original planning application form did not include a description of development. Therefore the description in the heading above is taken from the appellant's appeal form which is consistent with the Council's decision notice. I note that only the brick pillars would extend to 2m in height. In addition, on the original application form the date of submission of the application was unclear. Therefore the date of the application above is taken from the appellant's appeal form.

Main Issue

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

Reasons

4. There is variation in boundary treatments in the locality, however most are low level which creates an open character. Many of those with somewhat taller boundaries comprise hedge planting which has a pleasant, soft landscaped character. The appeal site is positioned close to the junction of Foxhunt Road and Wassell Road such that it has a presence from both of these roads. There are longer views of the appeal site from Wassell Road when approaching from the south.
5. Given the prominence of the appeal site in the locality, the height and lack of transparency of the proposal would appear obtrusive and incongruous in the street scene, at odds with its prevailing character. The appellant has provided photographs of other boundary treatments that have been installed in the local area, as evidence of similar schemes that are said to have been accepted. However, many of those appear to be lower in height than the appeal proposal

which would lessen their dominance in the street scene. Definitive measurements are not provided to enable more detailed comparison. Furthermore, tall boundary treatments may be more visually acceptable in less prominent locations or where houses are positioned on higher ground relative to the pavement and adjacent road. In any event, the existence of those examples does not justify allowing a proposal that I have found would lead to harm.

6. Therefore I conclude that the proposed development would harm the character and appearance of the surrounding area. Accordingly it would conflict with Policy ENV2 and ENV3 of the Black Country Core Strategy (2011) and Policy L1 and S6 of the Dudley Borough Development Strategy (2017) which, amongst other matters, generally seek to ensure proposals respect and respond to the character of the local area. Similarly, it would conflict with Policy S1 of the Development Strategy which seeks to ensure developments improve the economic, social and environmental conditions of the area.
7. It would also be contrary to paragraph 130 of the National Planning Policy Framework which seeks to ensure proposals are sympathetic to local character. Furthermore, it would not comply with the National Design Guide (paragraph C1) which advises that well-designed development responds positively to the surrounding context.

Conclusion

8. For the above reasons, the appeal is dismissed.

Rachel Hall

INSPECTOR