



Appeal Decision

Site visit made on 19 May 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal Ref: APP/E3715/D/23/3317633

33 Faulkner Road, Houlton, Rugby, CV23 1AD

- 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 Razaq Shaikh against the decision of Rugby Borough Council.
 - The application Ref R22/0877, dated 21 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is replacement gates.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement gates at 33 Faulkner Road, Houlton, Rugby, CV23 1AD in accordance with the terms of the application, Ref R22/0877, dated 21 October 2022, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plans: site location and proposed plan: p4b/863331/1166322; site layout and photographs of original gates (no reference); photographs of new gates (no reference).

Procedural Matter

2. I note that the date of the application form is the 10 August 2022, whereas the date of the application given in both the Council's decision notice and the appeal form is 21 October 2022. Although the convention is to use the date on the application form in any decision, I have used the one given in the appeal form and the Council's decision notice as both parties have agreed to this.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a modern detached dwelling, which is situated within a modern residential area, that forms part of a larger urban extension. The property is accessed via a private drive that also serves two neighbouring dwellings on Faulkner Road. The appeal property also faces a landscaped corridor containing a footpath and a wide variety of planting, including a hedgerow and trees along the boundary with the dwelling.

5. The proposal (which has already been carried out) is to replace the original timber 'field style' entrance gates into the property with taller (1.85m), solid gates that are constructed of a grey metal material.
6. Although there appears to be some debate as to the type of gates that were originally approved, the Council states that the appeal proposal is at odds with area, as the original gates complemented the type and style of fencing used in the adjoining landscaped area. The Council considers that the new gates are a stark feature and out of keeping, which do not positively contribute to the landscape character of the locality. Consequently, the Council states that the proposal conflicts with Policies SDC1 and NE3 of the Rugby Borough Council Local Plan 2011 – 2031 (2019). These policies seek (amongst other things) to ensure that the design of new development is of high quality and it contributes positively to landscape character.
7. The Council's Supplementary Planning Document – Sustainable Design and Construction (SPD) also requires proposals to have regard to the character and appearance of the area. I note that representations from third parties also consider the proposal to be out of keeping.
8. At my site visit I observed a wide variety of gates and fences in the local area, in addition to the post and rail timber fencing along the adjoining landscaped corridor. Whilst the solid gates of the appeal proposal are different, they are not clearly visible from public viewpoints, because of their relatively secluded position within the built-up area of Faulkner Road and because of the density and height of the hedging and trees along the edge of the landscaped corridor. This largely screens any views of the gates. Therefore, I am not persuaded that the proposal has an unacceptably harmful effect on the character and appearance of the area and I conclude that it does not conflict with the provisions of the Local Plan and the Council's SPD, as referred to above.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. As the development has already taken place, the standard condition requiring commencement within 3 years is not necessary. The Council has suggested that a condition be imposed specifying the date of the permission. However, the date is clearly stated in this decision and, therefore a condition is not necessary.
10. For confirmation and clarity, a condition is imposed specifying the approved plans.

Conclusion

11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR