



Appeal Decision

Site visit made on 13 June 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2023

Appeal Ref: APP/W2845/W/23/3317069

36 Hunsbury Close, Northampton, NN4 9UE

- 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 Vilesin Argeseanu against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/1254, dated 15 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is: Remove fir trees on the boundary line and build boundary wall to match existing to close the side garden.
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Decision

1. The appeal is allowed and planning permission is granted for a boundary wall at 36 Hunsbury Close, Northampton, NN4 9UE in accordance with the terms of the application, Ref WNN/2022/1254, dated 15 November 2022 subject to the following condition:-
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 22/2632/100, 22/2672/02.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area. The development plan now includes policies Q1 and Q2 of the Northampton Local Plan Part 2 2011-2029 (adopted 2023) (LP) which has replaced the policies referred to in the Council's decision. Those policies are similar in regard to this appeal in requiring that new development should respond to landscape characteristics and protect natural environment assets to ensure a high quality public realm and that it is not overbearing. National policy in the National Planning Policy Framework has a similar objective and also seeks to encourage good design.
3. The appeal site is located on a modern housing estate of mainly detached dwellings sited on well landscaped plots. Most have open frontages with generous planting in front gardens and this contributes to the attractive green and spacious character of the estate. The appeal dwelling is L-shaped and sits on a corner plot on land that rises as it reaches the junction. Its 'side' garden is effectively a rear garden that backs onto the road around the corner and forms the principal area of garden onto which most of the ground floor habitable rooms in the main rear elevation face.
4. I saw at my visit that the proposed wall has already been constructed. The new wall begins at a point level with the rear corner of the dwelling and wraps

around the corner. It forms a continuation of an existing wall which extends along the rear boundary of the property adjacent to the footway. At some 1.8m in height according to the plans, it matches the height of the existing wall but differs in colour from the existing yellow brick with a red brick. The appellant's photographs show that it replaced a very high conifer hedge that did not form a positive feature in the street scene.

5. There are dwellings sited on higher ground on the opposite side of the road where it adjoins the rear boundary and this, together with the modest height of the new wall and the presence of the existing wall, means that it is not unduly overbearing in the street scene when viewed from there. Indeed, it has a less enclosing impact than the previous conifer hedge. As it extends only from a point near the rear of the site, only a small section is seen in the approach up the main access road towards the property. As such, it does not enclose the front elevation and most of the frontage across that elevation remains open. I noted at my visit a wall of a slightly lower height on the opposite side of the road which encloses the rear garden of no 18. It seems reasonable to me that the appellant seeks to provide some privacy to this part of the garden and to the rear lounge window of the property and this wall provides a more acceptable solution than a conifer hedge or a fence. The appeal site retains an acceptable balance of hard and soft landscaping.
6. Although the new colour of the new brickwork does not match the main colour of that in the existing wall, it is acceptable because it matches the brickwork of the house and reflects the colour of an inset panel in the existing wall.
7. I understand the Council's concerns that a precedent is not set for further walls within the estate that might erode its open, landscaped character. However, given the unique circumstances of this corner plot, I am satisfied that it does not set a precedent for further proposals and those would be determined on their merits.
8. I find then that this proposal would not significantly harm the character and appearance of the area and would accords with LP policies Q1 and Q2 referred to earlier and with the Framework.

Conclusion

9. For the reasons given above, I conclude that the proposed development accords with the development plan and there are no material considerations that would outweigh this. The appeal should be allowed.

Sarah Colebourne

Inspector