



Appeal Decision

Site visit made on 11 July 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/P1133/W/23/3316625

25 Littlebrook, Broadway Road, Kingsteignton, Devon TQ12 3EH

- 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 Christopher Linton against the decision of Teignbridge District Council.
 - The application Ref 22/00822/HOU, dated 20 April 2022, was refused by notice dated 6 October 2022.
 - The development proposed was originally described as "Removal of current mud bank with dead trees on top and replacement with brick wall in keeping with next door boundary wall. Wall will be 180cm in height and will be built from reclaimed red bricks in keeping with the properties at Amberley Gardens and Littlebrook. The wall is intended to be in keeping with the boundary wall currently in place at the neighbouring cottages which also adjoin the highway although will be shorter in height. We do not consider the wall will have any negative impact on any neighbouring properties or to road users in general and, indeed, will ensure that the brook to the side of our boundary is enclosed to ensure no risk to the public and preventing rubbish being thrown in by passers-by. It will also prevent the usual and expected leaf detritus etc ending up in the road at certain times of year."
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Decision

1. The appeal is allowed and planning permission is granted for replacement of hedge bank with 1.8m high (plus piers) brick boundary wall, with new access gates at 25 Littlebrook, Broadway Road, Kingsteignton, Devon, TQ12 3EH in accordance with the terms of the application, Ref 22/00822/HOU, dated 20 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. LIT-JSD-XX-XX-DR-A-01.01 P02 – Site Location Plan & Existing/Demo Block Plans; Drawing no. LIT-JSD-XX-XX-DR-A-01.02 P02 – Proposed Block Plan & Elevations.

Preliminary Matters

2. I have used a different description in the formal decision from that in the banner heading above and the application form as that description is lengthy and includes words that are not acts of development. Furthermore, the decision notice and appeal form include the amended description, which I consider more accurately describes the development.

Main Issue

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

Reasons

4. The appeal site is located adjacent to a busy road that serves a number of properties within a residential area. There are interspersed sections of hedgebanks in the wider area and a well-established hedge is found on the opposite side of the road from the site. However, the urban area the site lies within is also characterised by hard landscaped property frontages that are a commonplace feature. The appeal site includes a small scale and very low level earth bank with gaps between some small trees above, which collectively, I observed to be unattractive and in a poor condition. This boundary frontage therefore displays very limited attributes of a well-established hedgebank. Although there would be a net loss of natural vegetation, the existing Devon hedgebank does not contribute to the character of the area.
5. Furthermore, the adjoining property includes walled boundaries that are visible from the street and are of a similar height to that proposed. Regardless of the fact the neighbouring property wall is connected to an historic building, the development would see the continuation of an established frontage of similar appearance. As a result, the development would not be visually dominant or oppressive and would therefore integrate well with the adjoining built environment. Additionally, the proposed materials would be similar to those used on a building at the host property that is visible from the road. Consequently, the development would maintain the character and appearance of the street and would not appear out of place.
6. Therefore, the proposal would have an acceptable effect on the character and appearance of the area. As such, the proposed development would not conflict with policies S1, S2 or WE8 of the Teignbridge Local Plan 2013-2033 May 2014 which, together in this respect, seek to ensure developments integrate with the character of the adjoining built and natural environment, and avoid the loss of trees or hedgerows which contribute to the character of the area.

Other Matters

7. The Council note that the development is located within the Landscape Connectivity Zone for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation, but that it would be unlikely to have significant effect on it, and consequently, no habitats regulations assessment would be required. I have no reason to disagree with the Council.
8. My attention has been drawn to a number of nearby planning permissions which included the removal of roadside hedges. Whilst there may be similarities between these schemes and this appeal, I am not aware of their site specific circumstances. In any case, I have determined the appeal on its merits, based on the evidence before me and my own observations.

Conditions

9. I have imposed a plans condition in the interests of clarity.

Conclusion

10. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR