



Appeal Decision

Site visit made on 19 July 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/W4223/D/23/3321508

13 Tandlewood Park, Royton, Oldham OL2 5UZ

- 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 Claire Scholes against the decision of Oldham Council.
 - The application Ref HOU/350254/22, dated 20 November 2022, was refused by notice dated 14 February 2023.
 - The development proposed is boundary wall, fence and gates.
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Decision

1. The appeal is allowed and planning permission is granted for boundary wall, fence and gates at 13 Tandlewood Park, Royton, Oldham OL2 5UZ in accordance with the terms of the application, HOU/350254/22, dated 20 November 2022, and the plans submitted with it, 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: Location Plan; and As Proposed – Layout Plan: drawing ref. 57B.
 - 3) The materials to be used in the construction of the boundary wall hereby permitted shall match those used in the existing property.

Main Issues

2. The main issue in this case is the effect of the proposed development on the character and appearance of the host property and wider streetscene.

Reasons

3. No.13 Tandlewood Park (No.13) is a large, detached property located on the east side of Tandlewood Park in an elevated position above the road and woodland opposite. To the front of the property is a landscaped garden and driveway sloping down to the road and the front garden is enclosed only by a low brick wall which is stepped to reflect changes in level.
4. Along the front boundary is it proposed to construct a brick built wall with evenly spaced brick piers and steel railings between. The wall and railings would return into the existing driveway and double gates (railings) would be set between two taller brick piers. The overall height of the gates has not been

provided but they would be higher than the proposed front boundary wall and railings – so, above 2m. I observed on my site visit that the frontages of properties on Tandlewood Park are typically open in character, with houses set behind lawned or landscaped gardens with either low brick walls or no formal boundary treatment. Although the use of railings would allow some visibility through to the front garden of No.13, the height and built form, particularly of the piers and gates to the driveway, would appear somewhat incongruous in the context of the informality of the wider streetscene.

5. On the boundary with the neighbour at No.15 Tandlewood Park, a 1.4m high timber boarded fence is proposed which would project forward of the front building line of the property up to the proposed gates to the driveway. I observed that this is a prominent boundary when travelling up Tandlewood Park from the south and whilst lower in height than the brick wall and railings, the timber boarding would nonetheless visually enclose the property. This would be to the detriment of the prevailing open character and appearance of the host property and streetscene.
6. The appellant has put forward personal circumstances relating to one of the children living at the appeal property. I have had very careful regard to this and I have no doubt that the proposal would significantly improve the security and safety of the property by providing a physical barrier between the home and front garden, and the road and woodland beyond.
7. I have found that the proposed development would result in harm to the character and appearance of the host property and streetscene. I find that harm to be moderate. It would therefore be contrary to policies 9 and 20 of the Oldham Development Plan Document – Joint Core Strategy and Development Management Policies (2011) in so far as they require development to reflect local character and reinforce local identity. Balanced against this, the proposal would meet the best interests of one of the appellant's children. In this instance, I conclude that these best interests outweigh the moderate adverse impact of the proposed boundary wall, fence and gates. Consequently, the appeal proposal should be determined otherwise than in accordance with the development plan.

Conditions

8. Along with the standard time limit, a condition is imposed listing the approved plans in the interests of certainty. I have also imposed a condition to require that the brick used in the boundary wall matches the existing property in the interests of consistency of appearance.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR