



Appeal Decision

Site visit made on 8 August 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/P0119/D/23/3323617

3 Jubilee Drive, Thornbury, South Gloucestershire BS35 2YG

- 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 and Mrs M Chacko against the decision of South Gloucestershire Council.
 - The application Ref P23/00697/HH, dated 20 February 2023, was refused by notice dated 21 March 2023.
 - The development proposed is the erection of front and side boundary wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the construction of the boundary wall has been completed, and I was able to see this during my site visit. The description of development on the application form was "Retention of low brick wall at the front of the property". This description was amended following submission of the application. I have used the amended description in the heading above, which better reflects the nature of the development. As 'retention' and 'retrospective' are not forms of development, I have also omitted these from the description for the purposes of this appeal.

Main Issue

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

Reasons

4. The site and its context of nearby front gardens on the Jubilee Drive estate (the estate) are characterised by open and often pleasantly landscaped frontages. Properties on the estate predominantly face onto the roads, and are set back from the road edge and pavement by a plot depth sufficient to accommodate a front garden and off-road parking. There are also several modest areas of open space bordering the roads and pedestrian routes which serve the estate. The generous plot frontages combined with the areas of open space form a relatively wide and undeveloped street scene, which makes a significant positive contribution to the character of the area.
5. The Council has provided a copy of the 1973 planning permission for the development of the estate (reference SG/10888). Condition (m) of the approval seeks to restrict the erection of walls, fences, and any other

structures – other than as approved - without the consent of the local planning authority. The reason given for imposing this condition is “In the interests of visual amenity”. Whilst this is a copy of an old planning permission without a complete set of approved plans available, it is not disputed that the condition remains in force, and I consider the condition and the reason given for it to be well-defined and unambiguous.

6. Even without the approved plans available, it is clear to me that a consistent approach to plot frontages has been taken by both the Council and property owners as a result of this condition. As noted above, this approach has created an attractive character, with plot frontages consistently open and undeveloped. Even where hard surfacing and parking spaces have been extended, the lack of walls and fences allows intervening landscaping to screen and soften these features, maintaining the overall character and appearance of the street scene.
7. It is evident that the appeal scheme has introduced an element of built form that interrupts this character. Even though the wall is a relatively small structure on a single plot, the solid form and contrasting red-brick material sit incongruously amongst the surrounding open street scene. I do not consider that a condition seeking to secure changes to the design or material of the wall would resolve this impact.
8. I therefore conclude that the development results in harm to the character and appearance of the area. This is contrary to Policy CS1 of the South Gloucestershire Core Strategy 2006-2027, and Policies PSP1 and PSP38 of the South Gloucestershire Policies, Sites and Places Plan 2017. Amongst other things, these policies seek to ensure that development is informed by, respects and enhances the character, distinctiveness, and amenity of both the site and its context; and that development respects the hard and soft landscaping of the street and surrounding area.

Other Matters

9. I note the appellants’ concerns that the front garden has been subject to littering and dog fouling in the past, and that they wish to provide a suitable boundary to the garden for the protection of their young children. The best interests of the children is a primary consideration to which I afford considerable weight, and no other consideration is inherently more important than their best interests in safeguarding and promoting their welfare. However, the personal benefit of the scheme to the appellant and their children does not outweigh the public harm caused to the character and appearance of the area in this instance.
10. I also appreciate the appellants’ frustration with receiving inconsistent advice from the Council regarding the need for planning permission and the implications of the previous planning consent in this case. However, I must determine this appeal based on the evidence before me, which includes the previous consent and its associated conditions.

Conclusion

11. For the reasons given above I find that the development conflicts with the development plan when read as a whole. Whilst the best interest of the children is a primary consideration, there are no material considerations that have been shown to carry sufficient weight to indicate a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR