
Appeal Decision

Site visit made on 11 September 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2023

Appeal Ref: APP/P0240/D/23/3323459

9 Sundon Road, Streatley, Luton LU3 3PL

- 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 Beant Grewal against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/01094/FULL, dated 29 March 2023, was refused by notice dated 16 May 2023.
 - The development proposed is the installation of brick boundary treatment to the front of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already been undertaken and I had the benefit of seeing it at my inspection of the area.

Main Issues

3. The main issues in this appeal are;
 - The effects of the development on the character of the area, including the AONB
 - The effects of the proposal in relation to the Green Belt.

Reasons

Character and AONB

4. The appeal relates to a front boundary wall that has been erected at this detached single storey dwelling. The plot frontage is open, wide and the single storey dwelling is set well back, between the 2 detached neighbouring 2 storey houses. On the opposite side of the road are open fields with some wooded areas in the distance. The appeal property and the surrounding area are within the Chilterns Area of Outstanding Natural Beauty (AONB).
5. Streatley is a small settlement, mainly of residential properties, set within an attractive rural landscape of fields and woodland. Designation as an AONB brings with it the highest status of protection in relation to landscape and scenic beauty.

6. The wall consists of numerous brick piers and lower sections of wall in between. I can see that the new wall replaced a hedge which ran for virtually the full width of the front boundary. Its removal and replacement with the wall, built from red bricks means that the new boundary feature has a stark and obvious visual presence. It stands out from the generally muted and more natural tones of the existing properties here. Being placed at the very edge of the settlement, opposite the open fields, heightens its visual effects. I consider that it appears significantly out of place and presents an unduly harsh edge to the settlement.
7. I have taken account of other developments in the area, some containing brick walls at their frontage. A number are not in such a prominent position as the appeal scheme and so their effects are far less. Others along this stretch of the road are generally more muted in terms of their colour and less extensive and so are not so prominent.
8. Taking all of the appellant's comments in this respect into account, I consider that the proposal has an unacceptable visual effect and other forms of development in the area do not compel me to accept the appellant's argument. As a result, I consider that the proposal has an unacceptable effect on the general character of the area and specifically, has an unacceptable effect on the AONB, contrary to Policies HQ1 and EE7 of the Central Bedfordshire Local Plan (CBLP).

9. ***The Green Belt***

10. The settlement of Streatley is within the Green Belt which is 'washed over' the village within the CBLP. In accordance with Policy SP4 of the CBLP, this means that there is a general presumption against inappropriate development and development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF. In addition, within 'washed over' settlements the policy states that applicants will be expected to pay particular attention to the quality and design of development proposed, to ensure that development respects and is sympathetic to the character and openness of the settlement and its surroundings.
11. The National Planning Policy Framework states, at paragraph 149, that the construction of new buildings within the Green Belt should be considered as inappropriate and then list a number of exceptions. It should be noted that the term "building" is defined as follows in section 336 of the 1990 Act: "building" includes any structure or erection, and any part of a building, as so defined. Applying this definition would mean that walls and fences should be regarded as 'buildings' for the purposes of the Framework. The only exception set out within paragraph 149 that could possibly apply to the development here is at point c) which includes 'the extension or alteration of a building provided that it does not result in disproportionate additions...'. Having considered the matter, I am of the opinion that the wall, whilst being considered as a 'building' cannot be considered as an 'extension or alteration of a building' and so would not fall within this or any other exception in paragraph 149 of the NPPF. Therefore, I consider the wall to represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, I consider that the height, design and length of the wall mean that it has an unacceptable effect on the openness of the Green Belt.

12. In addition to his statements relating to the above matters, the appellant indicates that the development would lead to a benefit to pedestrians by widening the adjacent footway and that the wall helps to reduce noise from traffic on the road. Having weighed these and other matters against the harm that arises from the development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusions

13. For the reasons set out above, the appeal is dismissed.

T Wood

INSPECTOR