



Appeal Decision

Site visit made on 3 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/X1165/D/23/3320935

42 Barton Drive, Paignton, Torbay TQ3 3SH

- 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 Dean Mchugh against the decision of Torbay Council.
 - The application Ref P/2022/1367, dated 27 December 2022, was refused by notice dated 24 March 2023.
 - The development is described as "We are currently in the process of getting our driveway done by Bevan Builders. We would like to remove the 1.6 meter bushes at the front of our house and replace them with a block wall, outside our house is a Bus stop and people keep leaving rubbish in the hedges whilst waiting for the bus. The Block wall will be 1 meter high with 600mm pillars every 2 meters apart, in between each pillar we would like to place composite panels".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal would be more accurately described as the replacement of a hedge with a block wall and the replacement of lawn with hardstanding.
3. I noted on my site visit that the hedge has been removed and the wall has been constructed. I have considered the appeal on the basis that planning permission is being sought retrospectively for the erection of the wall.

Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect on highway safety.

Reasons

Character and appearance

5. No 42 Barton Drive is a semi-detached dwelling situated within a residential suburb of Paignton. The property frontages are open and predominantly set out as garden space with a driveway. The vast majority of properties have low boundary walls on the pavement edge.
6. The removal of the hedge has seen the loss of a soft boundary feature. However, I am conscious that there are very few examples of hedged boundaries on the road. The prevailing character and appearance of the area in

- respect of boundary treatment is low walls. As such, the removal of the hedge has not resulted in a negative impact on the street scene.
7. The blockwork element of the wall has been constructed up to a height that is consistent with the heights of boundary walls on this part of the street. However, the height has then been increased through the construction of pillars infilled between with horizontal composite panels.
 8. The development has resulted in a dominant structure that appears notably taller than the majority of boundary treatments on other frontages that are in the vicinity of the site. Particularly the boundary treatments of the properties either side of the appeal site.
 9. I note that the hedge was of a substantial height and that the wall is of similar height, if not lower. However, the wall is a permanent feature that has a set and unalterable height compared to the hedge that could have been cut and maintained with relative ease to ensure the openness at the front of the property.
 10. I have had regard to fences and high walls that have been erected in front of properties in the local area. The comparison made by the appellant between those fences and high walls and the appeal development are noted. However, I have been provided with limited details on the planning circumstances of those fences and high walls. Additionally, they are either not situated in the immediate locational context of the site or they are of a different design and scale to the appeal development. In any event, I am determining the appeal on its own individual merits.
 11. For these reasons, the development causes harm to the character and appearance of the area. Consequently, it conflicts with Policy DE1 of the Torbay Local Plan 2012 – 2030 (TLP) and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012 – 2030, which collectively seek, in part, for development to be well designed, in keeping with its surroundings and integrate with the existing street scene and features.
 12. Additionally, the proposal would conflict with the National Planning Policy Framework (the Framework), which seeks, amongst other things, for development to be visually attractive and sympathetic to local character, including the surrounding built environment.

Highway safety

13. The appeal site benefits from an existing vehicular access on to the straight residential road. The wall has been constructed in a similar position to the removed hedge. In fact, when comparing the photographs of the hedge with the wall that I viewed on site, the bushiness of the hedge pushed it out further on to the pavement than the wall.
14. Having regard to the hedge and the restrictions it had on visibility when egressing from the site on to the road, its replacement with the wall has not resulted in a decrease in visibility of vehicles using the road or pedestrians walking on the pavement. I also note that the Local Highway Authority raised no objection to the proposal.
15. For these reasons, the replacement of the hedge with the wall has not materially compromised highway safety. Consequently, the development

complies with Policy TA2 of the TLP, which seeks, in part, to achieve a satisfactory standard of highway visibility.

Other Matters

16. The appellant has explained that the reasoning behind the height of the wall is to prevent people looking into their dwelling or sitting on the wall when waiting for a bus at the bus stop next to the wall. I acknowledge the reasons given, but I have been provided with minimal details on other options that have been explored to address these issues.

Conclusion

17. For the reasons above, and having regard to other matters raised, the development causes harm to the character and appearance of the area. As such, the proposal conflicts with the development plan, when taken as a whole, and the Framework. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR