



Appeal Decision

Site visit made on 5 December 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/A1015/D/23/3331580

4 Stanford Way, Walton, Chesterfield, Derbyshire S42 7NH

- 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 Andrew Aldred against the decision of Chesterfield Borough Council.
 - The application Ref CHE/23/00375/FUL, dated 15 June 2023, was refused by notice dated 18 August 2023.
 - The development proposed is the removal of existing leylandii hedge and replacement by brick panel wall.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main issue

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

Reasons

4. The appeal property is a detached 2-storey house within an estate style residential area wherein dwellings are similar in age, type and style. The main house is set back from the road behind a driveway and garden with the highway frontage largely marked by a tall and dense hedgerow. I saw that properties along Stanford Way generally stand back from the street behind open driveways and gardens that include boundary hedgerows, trees and shrubs. On either side of Stanford Way at its junction with Somersby Avenue, boundary walls, fences and gates are also evident albeit these enclose the side and rear gardens of the corner plot properties. Notwithstanding, these hard boundary features, there is a welcome sense of space and informality within the local street scene to which No 4 belongs, which is distinctive.
5. The proposal is to replace the existing hedgerow with a new brick wall and solid timber panels between piers that would follow the curved alignment of the adjacent footway. In doing so, the appeal scheme would partly enclose the front garden of No 4 with a small central gap to allow pedestrian access.

6. The solid form and considerable length of the wall and fence panels means that they would be significant and prominent features when seen from Stanford Way. On the immediate approach to the site, in both directions, the proposal would draw the eye as a rather stark, solid, and formal barrier. It would have an imposing presence in the street scene in marked contrast with the more low-key and informal appearance of the front boundary treatments prevailing close to the site. For these reasons, the proposal would be obtrusive and have a deleterious effect on the character and appearance of the local area.
7. There are several examples of boundary walls and fences to properties in the local area including those to which the appellant has referred and provided photographs and details. Unlike the appeal property, these features tend to enclose the side and rear garden of properties at road junctions. While clearly a visible feature of the wider estate, sizeable brick walls and fences do not represent a strong or predominant characteristic at the front of properties in the vicinity of the site, nor do they provide the visual context for the proposal.
8. The quality of the materials in this case would be high with treated timber panels, brick to match the existing house and detailing. Trailing plants could be introduced to visually soften the fence panels although the scope for meaningful landscaping would be modest in this case and could be cut back or removed at any time. Consequently, it would be difficult to enforce.
9. Reference is made to the Council's recent decision to approve a 1.8 metre, high brick wall at 2 Woodbridge Rise. This wall is to the side and rear of No 2 and its relationship to the street scene differs to the proposal before me. Even if the Council has been inconsistent in approving the development at No 2 and not the proposal, this is insufficient reason to allow the appeal.
10. My attention has been drawn to a fall-back position in which the existing hedge, which is a substantial and prominent feature within the streetscape, is retained. When seen from the road, the considerable height and thickness of the hedge forms a sizeable barrier that also contrasts with the lower-level boundary features and more open frontages of nearby properties. Compared to the existing hedge, which largely blocks views into the site from the road, the proposal would allow greater intervisibility between the house and the street. However, there is little before me to demonstrate that these benefits would only be achieved by introducing a wall and fencing, as proposed.
11. On the main issue, I conclude that the proposed development would be out of keeping with the character and appearance of the local area. As such, it conflicts with Policy CLP20 of the Chesterfield Borough Local Plan, which promotes good design and aims to ensure that all development responds positively to the character of the site and the surroundings. It is contrary to the Council's Successful Places Supplementary Planning Document (SPD), which advises that the nature and materials of front boundary treatments should reflect the context and character of the setting. It is also at odds with the National Planning Policy Framework insofar as it requires new development to be sympathetic to local character and add to the overall quality of the area.

Other matters

12. I recognise that the existing hedgerow is increasingly difficult for the appellant and his wife to manage and that they wish to create a low maintenance garden. I also acknowledge the costs associated with employing a contractor

to keep the hedgerow in good order. The proposed boundary treatment alongside the road would partly enclose and visually screen the front garden, which provides an important area of private amenity space. It would maintain a sense of security and privacy and clearly demarcate the boundary between public and private space. Removal of the existing hedge would address some problems such as litter and allow natural light to penetrate the front garden that in turn could benefit plant growth and wildlife. It would also allow greater natural surveillance at the front of the property given that views towards and from the main house would be possible over the new wall and timber panels.

13. No objection is raised to the appeal scheme on the grounds of highway safety, parking, or residential amenity. Some residents support the proposal with several letters that I have carefully considered included with the appeal submission. If the hedge were to overhang the adjacent footway, there would be some benefit to the convenience of footway users and to driver visibility by replacing it with a new wall. However, these other matters, taken individually and together, do not outweigh the significant harm that I have identified.
14. I note that the appellant is critical of the Council's handling of the application and their decision to refuse planning permission without the opportunity to enter a dialogue about the proposal.

Conclusion

15. Nevertheless, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR