



Appeal Decision

Site visit made on 10 October 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/F1610/D/23/3321255

19 Quail Meadows, Tetbury GL8 8PQ

- 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 Mrs Rose Jones against the decision of Cotswold District Council.
 - The application Ref 21/04111/FUL, dated 28 October 2021, was refused by notice dated 6 February 2023.
 - The development proposed is described as "New boundary fence".
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Decision

1. The appeal is dismissed insofar as it relates to the proposed retaining wall to the front of 19 Quail Meadows.
2. The appeal is allowed and planning permission is granted insofar as it relates to the single storey extension and addition of a fence at 19 Quail Meadows, Tetbury GL8 8PQ in accordance with the terms of the application, Ref 21/04111/FUL, dated 28 October 2021, subject to the following conditions:
 - 1) The development hereby permitted, insofar as it relates to the single storey extension and the addition of a fence, shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the single storey extension and addition of a fence, shall be carried out in accordance with the following approved plans: DWG No. 19.071.01 Rev B and DWG No. 19.071.03 Rev E.

Application for Costs

3. An application for costs has been made by Mrs Rose Jones against Cotswold District Council and this is the subject of a separate decision.

Preliminary Matters

4. The description of development set out in the banner heading is taken from the original application form. Nevertheless, to enable the appellant to apply for planning permission without paying a further fee I understand that the council dealt with the application on the basis that it was a resubmission of the previous application which was described as single storey rear extension. A revised description of development was provided by the appellant during the determination of the application for 'Resubmission of application 20/03253/FUL for a single storey extension with the addition of a fence and retaining wall', although this was not replicated on the council's decision notice. I have used the description given by the appellant in my decision above as this more accurately describes the development applied for. However, I have removed reference to the resubmission as this is not an act of development.

5. The drawings included the construction of a retaining wall to the front elevation of the property which has been the subject of comments from a third party. I shall consider this as part of the proposal before me and I have provided the parties with the opportunity to comment, and I have taken these comments into account in my decision.
6. Following the issuing of the council's decision notice the National Planning Policy Framework (the Framework) has been updated. As the updates do not fundamentally alter that part referred to by the parties, it has not been necessary to consult them further.
7. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. The site is within the Cotswolds National Landscape. The statutory purpose of the designation is to conserve and enhance the natural beauty of the area.

Background and Main Issue

8. The single storey rear extension has largely been constructed following its approval under a previous permission¹. In light of the approval and observing that the extension is under construction at my site visit, I see no need to conclude differently on this matter.
9. Having regard to the above, the main issue is the effect of the proposed fence and proposed retaining wall upon the character and appearance of the area.

Reasons

10. Quail Meadows curves around the house and between the flank wall of the house and the road is a grassed verge. No 19 is part of an estate that appears to have been built at the same time and throughout the estate there are similar grassed verges. These grass verges retain an area of openness between the highway and the houses which softens the appearance of the area, and these positively contribute to the distinctive appearance of the area. Behind the grass verges are various boundary treatments including timber fences and walls. The existing fence at the appeal site is a typical example of how side boundaries in the area are demarcated.
11. The closest corner of the proposed new boundary fence would be located relatively near to the highway, however most of the fence would be set back from the highway edge. Whilst due to the surrounding topography the fence may be higher in part, its overall visual effect would not be markedly different, and its repositioning would not be harmful to the area's character and appearance or dominate the pedestrian environment. Overall, the design and size of the fence would be consistent with the prevailing townscape character and would not appear prominent within the street scene.
12. The land forward of dwellings within the street scene is characterised by gardens and driveways with low level boundary treatment or no boundary treatment at all. The land around No 19 rises towards the house and there is a stepped entrance to it. The existing steps are a minor addition to the front of the house and are subordinate to it. In comparison the proposed retaining wall

¹ 20/03253/FUL

would be a significant structure taking up much of the front garden and extending close to the footpath. Because of its size and siting the retaining wall would appear incongruous with the open landscape frontages visible within the street scene and its scale and design would detract from the character and appearance of the area.

13. Consequently, the proposal insofar as it relates to the single storey extension and addition of a fence would accord with Policy EN2 and Appendix D The Cotswold Design Code of the Cotswold District Local Plan 2011-2031 (LP). These policies seek to ensure development proposals should be of a design quality that respects the character and distinctive appearance of the locality. It would also accord with the Framework which requires development to be sympathetic to local character.
14. However, the scheme, insofar as it relates to the proposed retaining wall to the front of the appeal property would conflict with Policy EN2 and Appendix D The Cotswold Design Code of the LP as well as the Framework for the reasons I have set out.
15. As the retaining wall to the front of the property is clearly severable both physically and functionally from the remainder of the proposal, I propose to issue a split decision in this case and grant planning permission for the single storey extension and addition of a fence.

Other Matters

16. The proposed fence has been designed to maintain the existing visibility line when passing the house. The Council do not raise any concerns that the fence would restrict visibility and following my site visit, I see no reason to disagree.
17. I am dismissing the appeal insofar as it relates to the retaining wall to the front of the dwelling. Without this element of the proposal concerns regarding loss of privacy and overlooking of the rear garden at 17 Quail Meadows would not arise.
18. There is no substantive evidence that the scheme would increase the risk of flooding to other sites. Matters related to party walls are controlled via other legislation and are not for me to consider here.
19. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of National Landscapes. The council identified that within this urban context that the proposed works were not considered to impact on the open rural landscape character of the National Landscape. Given the setting of the site and the limited scale of the proposal I see no reason to disagree and conclude that the scheme would conserve the landscape and scenic beauty of the National Landscape.

Conditions

20. In addition to the statutory commencement condition a condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty.
21. The fences in the area have typically been painted brown and as such, it is not necessary to attach a condition to require the fence to be left untreated.

Conclusion

22. For the reasons given above I conclude that the appeal insofar as it relates to the single storey extension and the addition of a fence accords with the development plan as a whole and is allowed. However, insofar as the appeal proposal relates to the proposed retaining wall in front of 19 Quail Meadows the proposal conflicts with the development plan as a whole and there are no material considerations that indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal in this respect should be dismissed.

G Sibley

INSPECTOR