



Appeal Decision

Site visit made on 27 February 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/J0405/D/23/3331576

31 Highlands Road, Buckingham, Buckinghamshire MK18 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs P Sanders against the decision of Buckinghamshire Council.
 - The application Ref is 23/02456/APP.
 - The development proposed is a boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for a boundary wall at 31 Highlands Road, Buckingham, Buckinghamshire MK18 1PN in accordance with the terms of the application, Ref 23/02456/APP, and the plans submitted with it.

Preliminary Matters

2. I have taken the description of development from the application form, removing any wording that does not form an act of development. Whilst the description of development only refers to a boundary wall, it is clear from the submitted details that the proposal also includes the trellis situated between the brick piers of the wall.
3. The works have been completed on site and therefore I am considering this appeal retrospectively.
4. Since the application was determined by the Council, the Government has published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

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

Reasons

6. The appeal site comprises a more modern detached bungalow, when compared with the row of bungalows situated adjacent to the southwest. It forms the first of a small group of three more modern bungalows that have vehicular access off the end of Highlands Road, a no-through road to vehicular traffic.

7. I accept that the predominant front boundary treatments along Highlands Road before reaching the appeal site are low boundary walls with higher brick piers and soft landscaping, providing a consistent and spacious character and appearance.
8. However, on reaching the appeal site, the character of the area does alter with substantial green metal gates and fencing serving the school directly opposite and a close boarded timber fence enclosing the front of the adjacent bungalows beyond. Also in the view at this point are the rear boundary treatments of the housing development that backs on to the area, which are formed of close boarded fencing with trellis above along with substantial vegetation. This small group of dwellings and the school accessed off the end of Highlands Road therefore form a different cluster in terms of the character and appearance of front boundary treatments present.
9. A low brick wall and higher brick piers have been constructed with timber trellis placed between the piers, along the front and side boundaries. The bricks used for the wall and piers are sympathetic to the bricks of the existing dwelling. The overall height of the boundary treatment is similar to the height of the close boarded fence located adjacent.
10. The brick wall whilst higher than the one adjacent to the southwest is still low enough to not appear overly dominant or incongruous in the streetscene. The brick piers are relatively narrow and do not appear imposing either. Whilst the timber trellis does enclose and add to the height of the boundary treatment, it is not solid and therefore views are possible through it. The timber trellis is also recently installed and with time the colour will alter and fade to further soften its appearance.
11. Areas to the front of the wall have been left undeveloped and there were some bulbs flowering in this space at the time of my site visit. Whilst other previous planting may have been removed, there is space retained for soft landscaping along the front section of the wall.
12. The appellant states that a wall up to a height of 1 metre at the front and 2 metres at the side could be built without requiring planning permission. As a result, the boundary treatment as built along the side boundaries and the brick wall element and the lower sections of some of the piers and trellis along the front boundary do not require planning permission. This has not been disputed by the Council who has confirmed that permitted development rights have not been removed at the appeal site.
13. I note the Council has described the previous boundary treatment as being more aligned with the appearance of those serving properties to the southwest. Nonetheless, I must deal with the appeal proposal before me. The Council is also concerned about setting a precedent for other alterations to boundary treatments in the surrounding area. However, each proposal must be considered on its individual merits.
14. Therefore, when taking into account the front boundary treatments in this cluster of built form accessed off the end of Highlands Road, I am satisfied that on balance the resulting impact on the character and appearance of the area is not harmful. The development therefore complies with Policy BE2 of the Vale of Aylesbury Local Plan (VALP) 2013-2033 Adopted September 2021 which seeks,

amongst other things, that developments respect and complement the physical characteristics of the site and its surroundings and local distinctiveness.

15. The development also complies with principle DES39 of the Vale of Aylesbury Local Plan Design Supplementary Planning Document Adopted 2023 which states that boundary treatments should be reflective of the area. It would also comply with Section 12 of the Framework, in particular, paragraph 135, which amongst other things, seeks to ensure developments are sympathetic to local character. The development would also comply with the National Design Guide, which at sections C1 and I1 state that development should respond to the surrounding context and local character.

Other Matters

16. I note an objection was received from an Interested Party which requested that the wall was lowered in height and that concerns were raised about the loss of a hedgerow and trees that have already been removed. As set out above, I have come to a different conclusion on the effect of the wall on the character and appearance of the area. The Council has confirmed that the hedgerow and trees were not protected nor is the appeal site within a conservation area and therefore the appellant was able to remove the vegetation without needing any approval to do so.

Conditions

17. Given that the development has been completed, no conditions are necessary.

Conclusion

18. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed.

G Dring

INSPECTOR