



Appeal Decision

Site visit made on 28 May 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/L2440/W/24/3336191

38 Ringers Spinney, Oadby, Leicester LE2 2HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr M Ali against the decision of Oadby and Wigston Borough Council.
 - The application Ref 23/00230/FUL was approved on 2 August 2023 and planning permission was granted subject to conditions.
 - The development permitted is retention of decking, associated screening and pergola type structure in rear garden.
 - The condition in dispute is No 2 which states that:
Within one month of the date of this permission the existing flagpole shall be removed from the structure in perpetuity.
 - The reason given for the condition is:
To safeguard the visual amenities of the area, the amenities of the occupiers of adjacent properties and in accordance with the aims and objections of the National Planning Policy Framework and Policies 6 and 44 of the Oadby and Wigston Local Plan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The flagpole was not shown on the plans that were determined by the Council. However, I am satisfied that this was assessed as part of the overall scheme and there is documentation in the form of photographs that show the flagpole.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

4. The main issue is the effect of the flagpole on the character and appearance of the area.

Reasons

5. The appeal site is set within a suburban area formed of detached houses and bungalows with long rear gardens. The gardens to homes along this side and part of Ringers Spinney slope gently down towards the rear and are largely undeveloped excepting for modest outbuildings such as sheds and greenhouses. These are largely clustered towards the rearmost parts of back gardens. The pergola is, unusually, set at the centre of the rear garden making it a fairly conspicuous feature in the area.

6. The flagpole and its associated adornments are set at the centre of the pergola. It is a tall structure and, in combination with the already quite prominently positioned pergola, appears as a strident feature in an area which is not characterised by such forms of development. Due to its height, position and resultant visibility, it jars with the character and appearance of surrounding gardens and is visible and prominent in local views including from the rear facing rooms of neighbouring homes.
7. I therefore conclude that the flagpole is harmful to the character and appearance of the area and conflicts with policies 6 and 44 of the Oadby and Wigston Local Plan. These policies require development to respect existing local character and ensure that it is sympathetic to local surroundings. As such, I find the condition which requires the removal of the flagpole to be reasonable and necessary and in accordance with the Framework and Planning Practice Guidance.
8. In reaching this conclusion, I have had regard to the sentimental and personal heritage relevance of the flagpole to the appellant. However, the significance of this has not been expanded upon. Such matters must be balanced against the wider public interest which, in this instance, is the effect of the development on the character of the area which I have found to be unacceptable.

Conclusion

9. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above I conclude that the appeal should not succeed and that condition 2 of planning permission 23/00230/FUL, approved 2 August 2023, should continue to apply.

Nick Bowden

INSPECTOR