



Appeal Decision

Site visit made on 8 July 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH July 2024

Appeal Ref: APP/C1055/D/24/3344513

71 Rykneld Road, Derby DE23 4BH

- 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 Sharjeel Ansari against the decision of Derby City Council.
 - The application Ref is 23/01650/FUL.
 - The development proposed is described as a new fence to the side and rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is already in place and I have dealt with the appeal on the basis of its retention. I have taken the description of the development in my banner above from the first sentence under the heading 'description of proposed works' on the application form. I have considered the background information and justification for the development provided under that heading, and in the description on the appeal form, in my reasoning.
3. Submitted drawing Ref: TQRQM23345185753509 identifies 69 Rykneld Road as the application site. However, that error is corrected on other plans, including location plan drawing Ref: PP-12622475v1, and it is clear that the appeal site relates to 71 Rykneld Road ('No 71').

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including its effect on the setting of listed buildings.

Reasons

5. The houses along this side of Rykneld Road are fairly varied in terms of their size and proportions. However, they are generally set well back from the highway, predominantly behind open frontages, low boundary walls or fences, and hedgerows. Opposite this site, the front boundary of Rykneld Lodge, which is a Grade II statutorily listed building, comprises a high brick wall, but otherwise the mix of front boundary treatment on that side of the road is broadly similar. Consequently, the overriding impression is of a soft interface between the buildings and the public highway, and a verdant streetscene.

6. The front boundary wall and sliding gate at No 71 are over 1.8 metres high at their tallest point, and they abut the pavement. They have a solid construction, which has resulted in a significant feeling of enclosure in this part of the streetscene, and which is at odds with the area's prevailing character. That harmful impact is exacerbated by the use of grey coloured panels and concrete posts, which give them a very uniform and stark appearance, and which contrasts unfavourably with nearby landscaped boundaries, and the more textured walls and fences.
7. The boundary fence to the front of the new residential development opposite Littleover Lodge is fairly tall, but appears to be in a different style from this site; and in any event it is some distance away, in a different part of Rykneld Road.
8. The old masonry wall at Rykneld Lodge is tall, but its varied hues, engineering bricks, and other detailing, soften its visual impact. Although there is a front and side wall at 75 Rykneld Road, which is similar to that at No 71, I have no details of that property's planning history, and in any event, that form of boundary treatment is very much atypical of this streetscene.
9. Given that Rykneld Lodge sits on the opposite side of this wide road, and behind a boundary wall, it is not generally seen in the context of the fence and gate that have been erected at No 71; and Derby Independent Grammar School, another Grade II listed building, is even further to the east behind landscaping. Having paid special regard to the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the scheme has not therefore harmed the setting of those listed buildings; and it does not conflict with Policy E19 of the City of Derby Local Plan Review 2006 ('LPR'), or with Policy CP20 of the Derby City Local Plan - Part 1 Core Strategy 2017 ('DCCS').
10. However, for the above reasons, whilst this style of fence and gate may be low maintenance, and they may be costly to remove, they have caused significant harm to this part of the streetscene, and thus to the character and appearance of the area. The scheme therefore conflicts with DCCS Policies CP3 and CP4. Amongst other things, these require high quality design which is well integrated into its setting, and which makes a positive contribution to an area's character, having regard to matters including boundary treatment, height, style and materials.
11. The scheme also conflicts with the National Planning Policy Framework's stance on good design at paragraphs 131 and 139; and with the similar position in the MHCLG National Design Guide 2021, including its advice on the need for careful design, which is appropriate to its context, at the interface with public space.
12. However, as LPR Policy GD5 broadly seeks to control impacts on residential and commercial occupiers it is of little, if any, relevance on this issue.
13. I have considered the appellant's concerns that, at around 3 metres high, the hedge that formerly stood on the site's frontage was becoming difficult to maintain. However, I see no cogent reason why it could not have been kept at a lower height, as appears to be the case for other such hedgerows along Rykneld Road.

14. Although the appellant has cited security concerns, and that rubbish, including discarded alcohol cans, have been thrown onto the property, I have little or no evidence that the form and design of the boundary treatment now on site is the only way in which those issues could be addressed. I therefore attach only limited weight to those claimed benefits.
15. Summing up, the scheme's largely private benefits do not outweigh the significant harm that it has caused to the character and appearance of the area. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR