



Appeal Decision

Site visit made on 16 August 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/F2415/D/24/3345806

Springfield, Leicester Road, Tilton on the Hill, Leicestershire, LE7 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990.
 - The appeal is made by Mr Harinder Sandhu against the decision of Harborough District Council.
 - The application reference is 24/00115/FUL
 - The proposal is for the replacement of pillars and for the erection of walls at the top of the driveway on Springfield land.
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Decision

1. The appeal is allowed, and planning permission is granted for the replacement of pillars and for the erection of walls at the top of the driveway on Springfield land at Springfield, Leicester Road, Tilton on the Hill, Leicestershire, LE7 9DB in accordance with the terms of the application ref: 24/00115/FUL, dated 26 January 2024, subject to the following condition: -

(1) The development hereby permitted shall be carried out in accordance with the following plans: site location plan (ref: PP-12738628v1); proposed elevations (ref: 13 2023 0200 PM); proposed site plan at 1:500 scale (ref: A251 PL 20) and proposed plan at 1:200 scale (ref: A251 PL 20).

Procedural Matters

2. The appeal is made in part retrospectively for development already constructed, where walls and pillars have been constructed but no gate added.
3. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy (the Framework) which will close on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issue in this appeal, it has not been necessary for me to consult the main parties upon it.
4. The local planning authority (LPA) has referred in its decision notice to policies in the High Leicestershire Neighbourhood Plan (draft) (NP), but as it has not yet been made, I can only afford it limited weight. Similarly, the LPA refers in its officer report to the High Leicestershire Design Code for the Neighbourhood Area 2023 (DC) but it has yet to be adopted and so I afford it limited weight.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

6. The appeal property is a relatively recently constructed brick built dwelling set back from the road with a front amenity space including a driveway. It is in a residential area with other detached properties to either side.
7. Leicester Road, which the host property borders, is described in the DC as an area where *'tall hedges form the main boundary type but there are examples of wooden fences and low brick walls'*.
8. The appeal relates to the access to the host property. It includes brick pillars close to the highway, with brick walls running at right angles to the road down each side of the driveway, leading to double gates where there are two more brick pillars, one to each side of the gates and from which they are hung.
9. While the LPA considers that the side walls should be reduced in height to 1 metre, and that the pillars fronting the road should also be reduced in height, it asserts that *'the two pillars closest to the house can remain as built'*.
10. On my site visit, I was able to note that the description of the character and appearance of the area in the DC is applicable to the immediate area of the appeal property where hedging bordering the road is prevalent, but where there is other boundary treatment including low walling.
11. I was also able to note that the appeal property includes hedging along its border with the road. The development which is the subject of the appeal relates to brick walling and pillars which run down the sides of the driveway, and while they can be seen from the highway they are not, in the main, part of the highway boundary. Moreover, the brick pillars which are on the boundary have a height comparable to the adjoining hedging to the road.
12. For these reasons, I do not consider that the appeal development, in terms of its siting or scale, has a materially adverse effect upon the character and appearance of the area. Moreover, the brickwork, by its appearance, is suitably reflective of the colour and materials of the host dwelling and that of the adjoining property. Overall, I find that the development assimilates acceptably within its immediate environmental context.
13. The LPA has referred to the construction of the adjacent property where permitted development rights have been removed and where a landscaping condition applies. However, I have no details before me and no information to suggest that there would be no hedging to the host property along the boundary with the road. In any event, I have determined the appeal upon its individual planning merits.
14. Therefore, I conclude that the development accords with Policy GD8 of the LP, with the draft DC and with chapter 12 of the Framework, all of which stress

the need for good design which is appropriate to the character and appearance of the area concerned.

Conditions

15. I have imposed a condition relating to the approved plans for the avoidance of doubt and in the interests of certainty.

Conclusion

16. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

S. Hartley

INSPECTOR