



Appeal Decision

Site visit made on 6 August 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/U3935/D/24/3346092
10 Colman Park Abbey Meads Swindon SN25 4YU

- 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 Iyer against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/24/0247/LZWI.
 - The development proposed is Erection of a 1.85 metre high boundary wall (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a 1.85 metre high boundary wall (retrospective) at 10 Colman Park Abbey Meads Swindon SN25 4YU in accordance with the terms of the application, Ref S/HOU/24/0247/LZWI and the plans submitted with it.

Main Issue

2. The Main Issue is the effect of the development upon the character and appearance of the area.

Reasons

3. The appeal site (No.10) is a detached two storey house within the Abbey Meads area of Swindon which features a late twentieth century compact development pattern of suburban housing and curving local roads. Colman Park is a short spur providing access to ten similar dwellings such that No.10 is sited with its flank wall and side boundary to its garden immediately adjacent to Elstree Way which is a relatively busy distributor road within Abbey Meads.
4. The Council lay significant stress upon the 'green' character of the area, stating that "Elstree Way is predominately hedge lined with intermittent green verges and trees". Although, with grassy verges, hedging is an important feature of the public realm, these are not continuous but in relatively short sections between hard boundary treatments such as the wall which is the subject of this appeal. The Council also say that the development "seeks to enclose this land (where the hedge was located presumably) in 1.85m high brick wall"; but what is enclosed (in the sense of screening) is a private garden area.
5. I observed more generally that the majority of private (rear) gardens which directly abut Elstree Way have similar walling rather than hedging, for example this is the case on the south side of Elstree Way where No.82 Elstree Way and

66 Wynwards Road both have their private outdoor amenity areas separated from the adjacent highway and its footway by similar walls.

6. I have nothing before me as to the pre-existing situation on the appeal site or the rationale for these boundary treatments, however, it appears to me that there is sound justification related to living conditions for a hierarchy of boundary treatments to be found within relatively dense patterns of development where private amenity space is tightly defined. This would derive from the need to balance the visual amenity of public realm against the desire for separation and security which will differ according to the juxtaposition of uses. A more robust enclosure by masonry wall is appropriate where higher levels of activity or noise such as a main footpath and highway are adjacent to private amenity space which is the case at No.10, whereas wooden fences are suitable between neighbours.
7. In addition to green verges along the highway with occasional planting blocks, hedging is found in the immediate area of the appeal site largely where development layout allows and separation requirements are less onerous, such as in the frontage to Coleman Park, which does not divide land uses, also to close off the end of a loop of Wynwards Road from Elstree Way opposite No.10.
8. Turning to the character and appearance of the area, the wall appears to have been constructed in line with those examples I have identified and, therefore, accords with the area generally. I noted at the time of my visit that occupiers of No.10 had introduced summer planting of flowers which overflowed the subject wall adding to the amenity of the area more widely and although loss of greenery is generally to be avoided, the degree of change to the public realm introduced by the replacement of a short length of suburban hedge with a wall (even if that hedge were substantial) is likely small or not discernible in the general area. I therefore conclude that any harm to the amenity of public realm would be outweighed by the benefit to the amenity of occupiers at the appeal site in terms of privacy and security.
9. I therefore find the works do not conflict with the requirements for high quality design set out in Policy DE1 of the Swindon Borough Local Plan (adopted 2015) (SBLP) and that the proposal accords with the development plan taken as a whole. In consequence, for the reasons given and taking all matters raised into account, the appeal succeeds. As the works are complete, no conditions are necessary.

Andrew Boughton

INSPECTOR