



Appeal Decision

Site visit made on 19 November 2024

by D Hartley BA (Hons), MTP, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND November 2024

Appeal Ref: APP/W3005/D/24/3350502

4 Cowpes Close, Sutton-in-Ashfield, NG17 2BT

- 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 Pawel Pawluk against the decision of Ashfield District Council.
 - The application reference number is V/2024/0283.
 - The development proposed is a new 1.8 m wall to the front of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government consulted on reforms to the National Planning Policy Framework 2023 (the Framework) on 30 July 2024 (Consultation Draft Framework). The consultation closed on 24 September 2024. I afford the Consultation Draft Framework limited weight in decision making terms as a material planning consideration. Considering the deemed planning application main issue below, I do not find that there are any proposed reforms in the Consultation Draft Framework which have a material bearing on how this appeal should be considered. In this regard, it has not been necessary for me to seek comments from the main parties in respect of the Consultation Draft Framework.
3. The appellant's planning application form describes the proposal as the erection of new fencing up to 1.8 metres in height to the front of the property. I have considered the submitted plans which include an image referred to as '*proposed materials and finish*' and the proposal is in fact a 1.8-metre-high wall constructed from breezeblocks and completed with a plaster/render outer finish. Given the above, I have taken the description of development from the Council's refusal notice as it is more precise than the description of development that appears on the appellant's planning application form.

Main Issue

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

Reasons

5. The proposed wall would be erected to the front of the semi-detached dwellinghouse and would be 1.8 metres in height. The pattern of development in the area relates to brick-built semi-detached dwellinghouses which are

similar in appearance, and which are positioned in an orderly manner with common buildings lines following the geometry of the roads.

6. There is a mixture of boundary treatments to the front of the properties including hedges, fences, railings, and walls. Such boundary treatment is generally low in height thereby exposing the front gardens, amenity spaces and dwellinghouses from views from the main roads. This ensures that there is a pleasing sense of spaciousness to the front of each of the dwellinghouses. Overall, the above attributes add positively and distinctively to the character and appearance of the area.
7. The proposed wall would be noticeably higher than most of the other boundary treatments to the front of properties in this locality. Owing to its position and height, I find that it would appear as a bulky and incongruous addition in the street-scene causing material harm to the otherwise mainly spacious character of the front gardens and amenity spaces in Cowpes Close.
8. The above harm would be compounded owing to the plaster/rendered finish to the wall which is not a material that is prevalent in the street. The wall would be dominant and intrusive when experienced by passers-by and such a harmful impact would also be noticeable from the ground floor window of the neighbouring semi-detached dwellinghouse, albeit at an angle.
9. For the above reasons, I conclude that the proposed wall would cause significant harm to the character and appearance of the area. It would not therefore accord with the design, character, and appearance requirements of policy ST1 of the Ashfield Local Plan Review 2022, and chapter 12 of the Framework.

Other Considerations

10. The appellant has commented, as part of the appeal, that *'there has been an increase in the threat of break-ins, theft, and sexual offenses in the area recently, and I live with my two daughters aged 10 and 12. I want to feel safe and secure, especially after reading recent police reports about the rising numbers of crimes in the area'*.
11. I acknowledge the appellant's desire to make the premises safer. I have not been provided with specific evidence of criminal activity occurring within Cowpes Close or the wider area, although I have no reason to doubt what the appellant says about recent police reports. However, I do not know if the appellant has explored the potential for other security options such as the provision of CCTV and/or the provision of boundary treatment which would be more sensitive in terms of its height and appearance. For example, the provision of a hedge alongside the road and with a lower form of boundary treatment behind it, combined with the use of CCTV, may deliver the sort of security that is desired by the appellant.
12. I therefore find that there may be other security options that could be explored by the appellant and without causing the same level of harm to the character and appearance of the area. In this case, I do not consider that the other considerations are sufficient to outweigh the significant harm that would be caused to the character and appearance of the area.

Conclusion

13. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR