



Appeal Decision

Site visit made on 11 December 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2025

Appeal Ref: APP/E2340/D/24/3351714

1 Castercliff Bank, Colne, Lancashire BB8 8DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Holdsworth against the decision of Pendle Borough Council.
 - The application reference is 24/0317/HHO.
 - The development proposed is a wall around the front garden and levelling the grassed garden.
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Decision

1. The appeal is allowed and planning permission is granted for a wall around the front garden and levelling the grassed garden at 1 Castercliff Bank, Colne, Lancashire in accordance with the terms of the application, reference 24/0317/HHO, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: Location Plan, Site Plan, Elevations and Top View plan.

Main Issue

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

Reasons

3. The proposed wall to the front of this residential property has already been erected. The application form refers to a trellis above the wall but this is not shown on the plans and has not been considered further. This decision relates only to the wall as constructed and shown on the plans.
 4. In places, the wall exceeds the height of one metre that can be constructed without the need for planning permission. However, its highest point is reported to be only 1.35 metres above pavement level. It is built of high-quality materials that generally reflect the materials of the dwelling. Although most properties in the area have open frontages, there are examples of other enclosures, particularly on corner plots. This property lies on a junction which results in the wall being a prominent feature when approaching the house.
 5. The property is built relatively close to the road particularly with regard to the side elevation. This is at odds with the generally more open plan and landscaped nature of the estate, whereby properties are set back from the
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road. The side gable, exposed high rear garden fence and garage, present an arrangement that is uncharacteristic within the wider area. The new small wall provides a continuation from the prominent side elevation and wraps around the front of the property. This results in a cohesive approach to the design. In these circumstances, given the high-quality materials and the one metre high fall-back position, I do not agree that the proposal represents poor design or would harm the character and appearance of the area.

6. Given the exposed nature of this front garden on this junction and the layout of the property in relation to the adjoining streets, the wall provides a positive contribution to the street scene particularly as its materials are of a high quality. The wall does not detract from the character or appearance of the area and represents a high standard of design in this particular context. It does not conflict with the aspiration of achieving quality design set out in policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy 2011-2030 (2015).
7. The Design Principles: Supplementary Planning Document 2009 (SPD) advises that many residential estates are designed on 'open plan' principles where the general presumption is one of keeping the frontages of properties open unless a particular case can be put forward. I am satisfied that there is a case for a variation in approach in this instance. The proposal generally meets the SPD's design aspirations, particularly as it would match the materials of the house.
8. The decision notice makes reference to policy CNDP3 of the Colne Neighbourhood Development Plan 2023. The council have not identified what the conflict is with this policy or the associated design code. I am satisfied that the proposal does not conflict with its vision or its objectives and meets its requirement for high quality design. Similarly, the proposal does not conflict with the National Planning Policy Framework 2024 as it will function well and it adds to the overall quality of the area.
9. I share the council's views that the proposal would not harm visibility. I have had regard to the other concerns raised but I conclude that there are no matters that weigh significantly against the proposal. I therefore allow the appeal.
10. As the wall has been built there is no need for conditions relating to the commencement of development or the materials to be used. I have made reference to the details of the approved plans for the avoidance of doubt and in the interests of proper planning.

Peter Eggleton

INSPECTOR