



Appeal Decision

Site visit made on 4 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/E3715/W/24/3350974

1 Hertz Close, Houlton, Rugby, Warwickshire CV23 1AW

- 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 Miss Sian Williams (Davidsons Developments Ltd) against the decision of Rugby Borough Council.
 - The application Ref is R23/0770.
 - The development proposed is described as “Retrospective planning application for the change of structural masonry retaining wall with a screen wall on top, to a ground anchored retaining system with a screen fence on top. Previous reserved matters approval R17/0366”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the planning application form. This indicates that the application is retrospective. I saw during my site visit that a retaining wall and fence has been erected, however the arrangement of the fence does not accord with the details submitted on the plans. The elevation section plans show a previously approved boundary wall which reduces in height at three intervals. However, the fence constructed reduces in two intervals. From the evidence submitted, it is clear that the Council has assessed the development on the basis of what has been constructed on site and the appellant’s evidence refers to the desire to retain the boundary treatment as constructed. Third parties have also commented on the development based on what has been constructed on site. I have therefore proceeded to determine the appeal on this basis as I am satisfied that this would not prejudice either party.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to a two-storey detached new-build dwelling located within Key Phase 1 of the Rugby Radio Station Strategic Urban Extension (SUE). The site is located on Hertz Close, on the western side of Houlton Way, within a predominately residential area. Dwellings are generally set back from Houlton Way behind tree lined grass verges and front boundaries are formed by hedgerows, railings, low brick walls and timber post and rail fencing. The use of planting, attractive boundary treatments and the broadly open character along the road contributes positively to the area,

giving a pleasing consistency to the street scene. High quality boundary treatments in the public realm continue across the development, resulting in an attractive street scene and overall cohesion. From my site visit, I observed that boundary treatments across the development appeared to be consistent with the boundary typologies guidance approved as part of the Rugby Radio Station Key Phase 1 Design Guide (dated November 2015) (the Design Guide).

5. The development also incorporates a network of footpaths within green infrastructure corridors. These footpaths contain amenity landscaping enclosed by timber post and rail fencing. In some cases, adjacent properties are orientated to face towards these areas, and where they do, private garden areas are enclosed by high brick boundary walls that match the dwelling. The layout of properties, overall quality and consistency of materials and integration of planting provides an attractive and high-quality walking route that is consistent across the development and contributes positively to the character of the area.
6. The appeal dwelling is located off Hertz Close, orientated with its principal elevation facing south, which looks onto one of these footpaths. The land level immediately to the south of the appeal site drops by approximately 1m over a relatively short distance and the topography continues to decrease to the west. As a result, the appeal site is situated on higher ground than its immediate neighbour, 19 Hertz Close, and the adjacent footpath. As part of the reserved matters approval for this parcel of the SUE a masonry retaining wall with an approximately 1.8m high brick screen wall on top was approved to enclose the southern boundary. However, the garden of the appeal site has been enclosed by an approximately 1m high grey '*Allan block*' retaining wall with a close boarded timber fence on top which spans the length of the side boundary and decreases in height towards no 19 to respond to the decreasing land level.
7. The grey block wall and silver/grey weathered fencing is a stark contrast to the adjacent red brick dwellings and uncharacteristic when compared to other surrounding boundary treatments in the public realm. Noting that directly opposite the site a high red brick wall has been constructed to enclose a similar gap between the opposing properties. Despite being located behind an area of landscaping, the wall and fence are a prominent feature in the public realm due to the elevated position and location adjacent to the footpath. The development stands out as a visually intrusive, incongruous, and discordant feature, in stark contrast with other high-quality and cohesive boundary treatments seen in the immediate area. This undermines the quality of the surrounding public realm and results in harm to the character of the area. For the avoidance of doubt, these conclusions would be drawn irrespective of whether the fence had been constructed in accordance with the height shown on the submitted plans.
8. This type of boundary treatment along a side boundary facing the public realm is also contrary to the Design Guide which states that side boundaries which address a street or public realm must be constructed of brick to match the dwelling, to provide continuity with the main built form. This deviation from the Design Guide, which otherwise appears to have been predominately followed across the development, strengthens my findings that the development is uncharacteristic of the surrounding area. Approving this development would also materially diminish the intended design quality of the SUE between permission and completion.

9. From the evidence supplied by the appellant the intervening landscaping between the footpath and the development assists in providing additional screening when it is in full leaf. However, this does not completely obscure the development and is not the case in the winter months where the development is more clearly open to view, as I observed during my site visit. Furthermore, there is no certainty that this landscaping would be retained for the lifetime of the development, a matter that is not disputed by the appellant. Therefore, the presence of landscaping does not sufficiently mitigate the harm I have identified.
10. For these reasons, I therefore conclude that the development is harmful to the character and appearance of the surrounding area. Consequently, it conflicts with Policy SDC1 of the Rugby Borough Council Local Plan (2019), which amongst other things, supports high quality design that is sensitive to and contributes to enhancing the character of the area in which it is located.

Other Matters

11. The appellant states that the Allan block retaining wall and fence has been installed due to concerns with the foundation approach required to construct the approved masonry screen wall and retaining structure and the potential implications on the foundations of adjacent properties. The appellant also explains that to implement the approved wall at this stage would result in works which would create unsafe working conditions and impact upon nearby residents.
12. I have noted the contents of the accompanying geotechnical report, the GRM structural technician statement and the issues raised. However, these documents do not provide persuasive evidence that the Allan block wall/fence is the only technical solution that would address the issues presented and that all alternative solutions have been fully explored and discounted. Neither has it been demonstrated that there are no other alternative materials or design solutions that could be used that would result in a less harmful impact on the character and appearance of the area.

Conclusion

13. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR