



Appeal Decision

Site visit made on 6 August 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref. APP/N3020/D/25/3363917

30 Fairview Road, Woodthorpe, Nottingham NG5 4GW

- 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 Alsadig Adam against the decision of Gedling Borough Council.
 - The application ref. is 2024/0076.
 - The development proposed is: "Erection of 2 metre high wall."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of conciseness, the description of the proposal in the heading above is taken from the Council's decision notice. I have however fully taken into account the detailed comments and comprehensive overview of the project set out in the description of proposed works at section 3 of the application form.
3. The 2m high brick wall, which includes 9 piers, was completed in November 2023 along part of the roadside boundary of no. 30. The plans show that 8 bow-topped timber fences would be put above the base wall between the piers. The fencing, which is not as yet in place, would reach slightly higher than the piers.
4. The application was made, in part, retrospectively. It is worth noting that the fact that a person has carried out works before gaining planning permission is not held against him or her when assessing the planning merits of a scheme, at the application stage or at appeal. Equally, the fact that development already exists is not a factor that weighs in favour of its retention.

Main issue

5. The main issue is the impact of the proposed development upon the street scene and the character and appearance of the area.

Reasons

6. The appeal property is a recently extended, detached house occupying a prominent corner plot at the junction between Fairview Road and Greys Road. There is a variety of designs across the dwellings along Fairview Road between its junction
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with Woodthorpe Drive to the south and its closed end not too far to the north of the appeal site. I saw that the valued local characteristics of this street scene are its pleasant residential character, sylvan appearance with many well landscaped front gardens and mature trees along the footways, the preponderance of hedges along the front boundaries a good number of which are laid adjacent to low walls and various incidences of open front boundaries. Accordingly, there is a predominantly soft visual impression to this street scene.

7. One of the third party respondents said that the hedge which previously formed the external roadside boundary to no. 30 has been completely removed and some trees have been uprooted. Images on Google Street View and the appellant's reference to a previous high-level hedgerow confirm this to be the case. The pre-existing situation fitted in more comfortably with the look of the surroundings.
8. In replacement, the boundary walling, piers and fence panels would form a harsher and more enclosed and imposing frontage reaching about 2m in height and spreading across a length of about 18m. Rather than appearing modest, such a long and tall solid defining boundary along the front of no. 30 would amount to an intrusive feature in the attractive and verdant street scene. The proposal would appear incongruous and inappropriate in terms of the area's context and local character, especially given its height, location at the back of the footway where there is very little scope for any planting in front of it and the long range of visibility of the walling when approaching along Fairview Road from the south.
9. The scheme eschews the advice in the Council's Design Code Framework 2024 (the Code). This indicates that having observed the local area, applicants must use boundary treatment design and materials which reflect local character. New boundary treatments should therefore be guided by the predominant boundary type in the locality. In the context of this site, local character would have been better respected by well-maintained vegetation along the boundary or by far lower solid front boundary features augmented by vegetation.
10. I accept that the subject walling would have similar characteristics to the treatment of the side (roadside) boundary to no. 40 just to the north of the appeal property. The planning history of this neighbouring site has not been put before me but I consider that it would be unrealistic to make direct comparisons with what is clearly the side boundary walling there. It seems to me that the walling at no. 40 was required to structurally retain an elevated back garden and to provide privacy to the private amenity space across that garden, bearing in mind the wholly different corner location and orientation of no. 40 when compared to no. 30.
11. The appellant also refers to the front boundary walling at 1a, 1b and 1c Fairview Road. However, this does not comprise the predominant front boundary type in this locality. Amongst the far larger number of lower front boundary structures, hedges or other vegetation and open frontages along Fairview Road, those 3 properties are not particularly good examples to follow. Their front boundaries do not reflect the character and appearance of the relevant local street scene when viewed in the round. In any event, the planning history behind those other developments has not been provided. It is possible, for example, that they could have been granted planning permission some years ago under different development plan policies and design guidance.

12. I therefore find on the main issue that the proposed development would harm the street scene and the character and appearance of the area. It would fail to respect Policy 10: Design and Enhancing Local Identity of the Aligned Core Strategy Local Plan Part 1 (ACS), adopted in September 2014, which expects all new development to be designed to make a positive contribution to the public realm and sense of place and to reinforce valued local characteristics. In addition to the conflict with the Code, there would also be a failure to adhere to the National Planning Policy Framework insofar as it relates to achieving well-designed places.
13. It seems to me that the inclusion in the decision notice of Policy LPD 32 - Amenity of the Local Planning Document Part 2 Local Plan, adopted in July 2018, was misplaced. I could not identify any significant adverse impacts on the amenity of nearby residents or occupiers, including in relation to the matter of residential visual amenity. The proposed development is not on such a scale as to cause harm to the living conditions of neighbours for any reason, as confirmed in the recommendation sheet for the Delegated Members Panel.
14. The appellant sets out that the development is critical for the amenity, privacy, safety and security of his family which includes 4 young children. In particular, given the very small size of the rear garden, it is said that the front garden offers the only viable outdoor space for the children to play. Indeed, I note that Policy 10 of the ACS expects new development to be designed to create an attractive, safe, inclusive and healthy environment and to be adaptable to meet the changing needs of occupiers. Still, I saw on my site visit that a notable part of the roadside boundary remains open even with the wall in place. This is not explained. Moreover, there is no convincing evidence before me to show that a more contextually appropriate and attractive boundary treatment could not achieve the outcome the appellant is seeking. These personal considerations, as important as they are, do not override the need to achieve a design that is appropriate to its setting. Good design is a cornerstone of the National Planning Policy Framework.
15. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan when read as a whole. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. Any adjustments to the height, design and materials of the boundary structure would need to be put to and assessed by the Council in the first instance. For the reasons given, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR