



Appeal Decision

Site visit made on 1 August 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/K2420/D/24/3343860

Cherry Cottage, 24 Kennel Lane, Atherstone, Warwickshire CV9 3LJ

- 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 Arman Hambarsoonian against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01163/HOU.
 - The development proposed is a new boundary wall 1.8 metre high with low level brick wall with piers and timber fencing to be painted green.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

Character and appearance

3. Cherry Cottage is prominently positioned on the corner of Kennel Lane and Post Office Lane, with its boundary to the roads comprising vegetation and gates. Elsewhere along both roads, the properties are typically either set back behind gardens which are open to the front, or their highway boundary is delineated by low walls or metal railings. On the opposite corner of this road junction, at 1 Post Office Lane, there is a tall, dense, coniferous boundary hedgerow. These characteristics give both streetscenes a fairly soft, landscaped, and predominantly unenclosed, character.
4. The scheme would comprise a low brick wall, tall pillars, solid timber infill panels, and timber double gates which would serve a widened driveway. Those features would be up to around 1.8 metres high and would be located on the highway boundary next to a verge. Notwithstanding that the panels would be painted green, given their height, design and siting, the proposed boundary features would be stark and imposing features in the streetscene, which would jar with the typically much more open or landscaped character of the area.
5. A short length of hedgerow would be retained, but that would constitute a small proportion of Cherry Cottage's total highway frontage; and the much longer section of wall and fencing, which would turn the corner, would be a

prominent and markedly discordant feature when approaching along Kennel Lane from the south, as well as in views looking along Post Office Lane.

6. For these reasons, the scheme would fail to comply with Policy DM10 of the Hinckley and Bosworth Site Allocations and Development Management Policies DPD (2016). Amongst other things, this states that development will be permitted if it complements or enhances the character of the surrounding area, having regard to matters including scale, design and materials.
7. It would also conflict with page 34 of the Hinckley and Bosworth Good Design Guide Supplementary Planning Document (2019), which notes the important contribution that boundary treatments make to local character and refers to the harm that can be caused by fencing where this blocks views or creates a 'dead frontage'. For similar reasons, it would fail to accord with the National Planning Policy Framework (2023), particularly its stance at paragraph 139 that development that is not well designed should be refused, especially where it fails to reflect local design policies, taking into account any local design guidance and supplementary planning documents.

Other matters and personal circumstances

8. In favour of his scheme, the appellant states that the boundary treatment is required for security, and for privacy given that the house does not benefit from a rear garden. However, having regard to the evidence before me, including paragraph 8.5 of the Council's delegated report, I am not persuaded that this proposal is the only way in which those matters could be addressed; and whilst the existing vegetation on the site frontage may be overgrown, I see no convincing reason why it could not be re-planted, or maintained in a suitable condition so as to deter intruders, whilst providing some privacy.
9. The appellant is a disabled person and requires a widened drive. However, I have no cogent evidence that this scheme is the only way in which his needs could be met. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. The personal circumstances used to justify the development would inevitably change over time, but any identified harm would remain. The benefit to the appellant therefore carries only limited weight.

Planning Balance and Conclusions

10. Having assessed the scheme on its planning merits and with regard to its context, it would significantly harm the character and appearance of the area.
11. I have considered the benefits that it would deliver to the appellant, and I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, and to rights conveyed in the Human Rights Act. However, the refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the harm I have identified is avoided. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR