

## Appeal Decision

Site visit made on 14 March 2023

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

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> April 2023**

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### **Appeal Ref. APP/C3430/D/23/3314572**

#### **44 Suckling Green Lane, Codsall, Wolverhampton WV8 2BT**

- 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 and Mrs Bramall against the decision of South Staffordshire District Council.
  - The application ref. 22/00858/FUL, dated 8 September 2022, was refused by notice dated 3 November 2022.
  - The development proposed is a retrospective application for the construction of a masonry boundary wall.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. The brick and stone boundary wall runs adjacent to and follows the curve of the footway along the wide frontage of the property. The wall was built during June and July 2022 according to the details on the application form. The application was made retrospectively. There are 13 piers in the wall. Owing to the change in levels, the main walls, including the coping stones, range from about 1.16 m to 1.44 m above footway level. The piers, including their coping stones, are between about 1.60 m high and 1.94 m high. The 3.30 m wide vehicular access lies between 2 piers at the northern edge of the front boundary. There are no gates in the wall and none are proposed in the application.
3. I have read the representations about the obstruction to pedestrian visibility caused by the wall. This was the subject of the second reason for refusal. Regardless of the former leylandii hedge, I consider that new development should be designed to be safe for pedestrians. The Highway Authority advised that the required 1.5 m x 1.5 m pedestrian visibility splays could be achieved. The appellants expressed their willingness to change the wall arrangement to provide them. I have not had sight of the sketch sheet that was submitted during the processing of the application or of amended drawing number 1002-392-06b. Still, the National Planning Policy Framework (the Framework) expects decision-making to be approached in a positive and creative way, using the full range of planning tools available. With this in mind, the lack of splays should not be fatal for the scheme because they could be addressed through a

planning condition, if the scheme was otherwise found to be acceptable. A condition could require such splays to be provided within a 3-month timescale.

### **Main issue**

4. In deciding whether planning permission ought to be granted for the masonry boundary wall, I therefore consider the main issue to be its impact upon the character and appearance of the street scene and the wider area.

### **Reasons**

5. The appeal property is a detached bungalow standing on the inside of a sharp bend in the carriageway between the junctions of Suckling Green Lane with Wayside Acres and Farway Gardens. Nos 40-56 Suckling Green Lane comprise a variety of dwellings that occupy the land between those junctions. There are also dwellings on the opposite side of the road either side of a new road junction which will serve a new housing development that is still under construction. The subject boundary wall has replaced a dwarf wall and a semi-continuous leylandii hedge about 4 m high. The appellants explain how the roots of that hedge had damaged the dwarf wall and protruded from the front lawn and how the hedge encroached partially across the footway and overshadowed the front garden and front elevation of the bungalow.
6. I saw that the area's key characteristics are its residential character, the fairly spacious layout of individually designed dwellings, the well landscaped environment including within the public realm where there are wide grass verges between the footways and the road hereabouts and the preponderance of very low stone walls across the front boundaries, including at nos 40 and 42, the 2 adjacent bungalows the appeal property is most closely associated with. The gardens, trees, grass verges and shrubbery interspersed with low or open front boundary treatments give a soft visual impression to the street scene.
7. The boundary walling at no. 44 has been very well constructed and finished. Unfortunately for the appellants, I judge, like the Council, that the walling and piers are wholly inappropriate in terms of the context and local character of the site's surroundings. The overall impression they create is not of a low-key addition to the street scene. Rather, owing to the number and height of the piers, the height and length of the main walling and the prominent siting on the bend, the development appears incongruous because it intrudes into the street scene to an unacceptable degree and appears ill-proportioned against the very low front boundary walls and open character of the adjoining frontages at nos 40 and 42. It is also at odds with the low and unassuming appearance of the front boundaries that characterise the area more widely, especially between Wayside Acres and Farway Gardens on both sides of Suckling Green Lane. This includes the comparatively short front boundary wall at no. 48 where the piers are only about 84 cm high and the main wall is only about 54 cm tall.
8. The scheme eschews the advice in the South Staffordshire Design Guide which seeks to ensure that boundaries create a unified street scene and are not visually intrusive. It says that usually it will be appropriate to continue the pattern of adjacent boundaries (such as low walls, fences or hedges). Whilst the former leylandii hedge had its shortcomings, it was a natural feature exempt from planning control. In this case, the walling and piers combine to

form a harsher and more enclosed and imposing frontage and an incongruously intrusive feature within the area.

9. The appellants invited me to consider the boundary treatments at the front of several other dwellings on Suckling Green Lane and Keepers Lane (Appendix 2 of the appeal statement). However, all these examples lie some distance away from the appeal site beyond another sharp bend in the carriageway and beyond the staggered junction with Oaken Park and The Paddock. They are not viewed together with the subject boundary wall and piers. Furthermore, in most of those examples the walls and piers are notably lower and the piers are far fewer in number. In any event, the planning history behind these other developments has not been provided. Amongst the overwhelming number of low front boundary structures along both lanes, they are not good examples to follow as they do not reflect the character and appearance of the local street scenes when viewed in the round.
10. I have taken account of the fallback of being able to construct a front boundary enclosure 1 m above ground level adjacent to the back of the footway. This is an important material consideration. Even so, the front boundary structures at the appeal property considerably exceed what is permissible under permitted development rights and are plainly subject to planning control. Whilst the appellants might feel the walling and piers are more complementary to the appearance of the modernised and extended bungalow than what could be achieved by utilising only permitted development rights, I find in the context of this site, local character would be best respected by far lower boundary features. Moreover, I saw dwellings of modern character that do not have grandiose arrangements of high front boundary walls with multiple tall piers.
11. It is suggested that the evergreen laurel hedging in the front garden may help to soften the boundary walling and piers. The position of the walling and piers will limit the effectiveness of any planting in that regard. Thus, this planting is unlikely to ameliorate their adverse visual impact to an acceptable degree. The situation is not identical to the hedging and wall at 30 Suckling Green Lane because, insofar as I could tell, the walling there is only about 87 cm high.
12. I therefore find on the main issue that the masonry boundary wall is harmful to the character and appearance of the street scene and the wider area. The development fails to respect Policy EQ11 of the Core Strategy Development Plan Document which places emphasis upon the need for high quality design, consistency with design guidance, respect for local character and distinctiveness, including that of the surrounding development and landscape, and making positive contributions to the street scene and surrounding buildings in terms of, amongst other things, scale and massing. There would also be a failure to adhere to the overarching design themes of the Framework insofar as they relate to achieving well-designed places.
13. The scheme may fulfil the social objective of sustainable development as set out in the Framework, where it improves the residential amenity of the property in terms of enhancing security and privacy, eliminating overshadowing and screening 2 bedroom windows from the glare of headlights of vehicles emerging from the new road junction opposite, and offer limited economic benefits, for instance to the building trade and in the uplifted value in the property. On the other hand, the environmental objective would not be

fostered given the harm I have found under the main issue. I acknowledge that the Framework seeks to minimise waste and pollution and that it is possible for waste to be generated if part of the wall has to be eventually removed. Still, this is an argument that could be repeated far too often to justify unauthorised building operations that are otherwise environmentally unacceptable.

14. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. This harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR