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# Appeal Decision

Site visit made on 9 May 2022

**by Chris Forreth BSc(Hons) DipTP MRTPI**

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

**Decision date: 25 May 2022**

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**Appeal Ref: APP/C3430/D/22/3290263**

**1 Oakridge Drive, Cheslyn Hay, Walsall, WS6 7QZ**

- 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 & Mrs J & S Whitehouse against the decision of South Staffordshire District Council.
  - The application Ref 21/00934/FUL, dated 26 August 2021, was refused by notice dated 6 January 2022.
  - The development proposed is a part retrospective householder planning application to replace 1.8m boundary fence with Conifer Planting and 1.2m boundary fence.
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## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. The appeal site is located on the south-east side of Landywood Road and fronts onto Oakridge Drive. The appeal property is a semi-detached house on a corner plot. Views along Landywood Road at this point are characterised by landscaping areas on either side of the road, with the north-western side having relatively dense bushes with trees, whilst the south-eastern side is largely grassed with little planting.
4. The appeal proposal seeks to retain and alter a fence which has been erected to the side of the property. This fence was previously refused planning permission and subsequently dismissed at appeal<sup>1</sup>.
5. The current appeal proposal seeks to relocate part of the fence so that it would be around 1.2 metres away from the pavement of Landywood Road and would be a maximum of 1.2 metres in height. There is also landscaping proposed between the relocated fence and the pavement and it is suggested that this would be in the form of conifer trees.
6. Notwithstanding that, the current appeal proposal would still introduce a form of development which encroaches into what was an open grassed area in a fashion which would be harmful to the streetscene. This is particularly the case as the projection of the fence from the dwelling would be larger than the distance of the remaining land to the pavement. As a result, it would dominate

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<sup>1</sup> Appeal ref APP/C3430/D/21/3271363 dated 24 August 2021

the land to the side of the host property. This in turn would ultimately harm the character and appearance of the area which is exacerbated by the prominent nature of the appeal site.

7. In coming to the above view, I acknowledge that the current proposal is an improvement on the previous scheme including the addition of some landscaping to shield views of the lower fence, albeit that this is in the form of conifer trees as opposed to the type, character and scale of the landscaping on the opposite side of the road.
8. However, despite the fact that the landscaping would shield views of the fence, the overall proposal would result in the loss of the open nature of the land adjacent to Landywood Road in a manner which is not characteristic of the wider area.
9. Finally, I note that the appellant considers that the previous Inspector set out that an increase in private amenity space could be delivered on site (in a different manner to the previous proposal). Whilst this may well be the case, it does not indicate to me that the current scheme is an acceptable way to achieve that goal.
10. For the above reasons the proposal would harm the character and appearance of the area contrary to Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document (2012) which amongst other matters seeks to ensure that the design of all developments is of the highest quality and respects local character and distinctiveness. It would also be contrary to the objectives of the South Staffordshire Design Guide which seeks to ensure that boundary treatment is not visually intrusive and the overarching design aims of the National Planning Policy Framework.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR