



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

2 Tulla Close
Stenson Fields

Date Plotted 27/5/2002

NORTH ↑

Plot centred at 434031 330934

Scale 1:500

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South Derbyshire District Council

Reg. No. 9 2001 0564 F

Agent:
Richard Wood
21 Curzon Street
Derby

Applicant:
Joginder Kaur Kalirai
2, Tulla Close
Stenson Fields
Derby
DE243AD

Local Government Act 1972

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

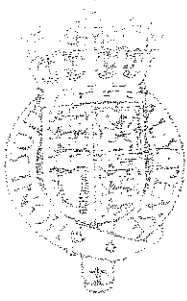
In exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that your application for **The erection of an extension to the garage and a 2.0 metre high boundary wall in substitution for that permitted under 9/2000/1094/F at 2 Tulla Close Stenson Fields Derby** as shown on the deposited plans and described in the application form received 13/06/2001 is hereby REFUSED, for the following reasons:

1. The fence is considered to be unacceptable as it is harmful to the general character of the area, which is typified by open plan frontages with low enclosures. The extension of a 2 metre boundary structure around the frontage of the property is incongruous in this setting having regard to the prevailing pattern described above and it is therefore harmful to the character and appearance of the area..

Authorised Officer of the Council

Date: 26 July, 2001

YOUR ATTENTION IS DRAWN TO
THE ATTACHED NOTES



Appeal Decision

Site visit made on 19 December 2001

by **F M Cherington** DipURP MRTPI MRICS MBEng

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
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Date **54 JAN 2002**

Appeal Ref: APP/F1040/A/01/1074542

2 Tulla Close, Stenson Fields, Derby

- 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 J K Kalirai against the decision of South Derbyshire District Council.
- The application (Ref. 9 2001 0564 F), dated 12 June 2001, was refused by notice dated 26 July 2001.
- The development proposed is an extension to an existing garage and a new boundary wall with railings above.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal property is a detached bungalow with a separate garage. It occupies a corner site at the junction of Tulla Close with Broom Close within a residential area and whilst the front of the dwelling faces the former, its side wall and the garage face the latter. The Council granted permission for a garage extension and a wall and railings to enclose this property in February 2001 subject to a condition limiting the height and extent of the wall and railings in accordance with an amended plan. The garage extension has now been built together with the wall and railings along the Broom Close frontage in accordance with that permission. However, the Appellant has also built a similar wall with railings above along the splay boundary at the junction and along the front boundary to Tulla Close contrary to that conditional permission. This wall is up to 1m high with railings above between piers up to 2m high. The revised application the subject of this appeal seeks permission for the additional wall and railings now built and I have considered this appeal accordingly.

Planning Policy

2. The Council does not identify any development plan policies relevant to this case.

Main Issue

3. From my inspection of the site and its surroundings and from the representations made, I consider the main issue in this case to be the impact of this extended length of wall and railings upon the character and appearance of this residential area.

Reasons

4. The Appellant argues that this enclosure of his garden is necessary because he has no private rear garden area. However, this was recognised by the Council when granting permission in February 2001 for the enclosure of the side garden by a wall and railings along the boundary with Broom Close. That permission also included a wall up to 1m high along the splay boundary at the junction and along the frontage to Tulla Close.

5. The Council considers that the addition of brick piers and railings to this length of wall adversely affects the appearance of this residential area which is characterised by open plan frontages with low enclosures. I saw that Tulla Close is part of a small residential estate where front gardens are predominantly open or enclosed by a variety of low walls or fences. This wall with railings is much higher and is very prominent at the junction and along Tulla Close. The Appellant says that other properties here also have higher front walls or fences but those are generally at corner sites similar to the appeal site to provide privacy for side gardens and the Council has already granted such a permission to the Appellant.
6. In my view, this length of wall with piers and railings adds substantially to that already permitted by the Council and is uncharacteristic due to its excessive length at this height, particularly having regard to its prominent location at the junction and to the front of No 2. I agree with the Council that in this location it does constitute an incongruous feature which harms the predominantly open character and appearance of this residential area.
7. I am not persuaded that that harmful impact is ameliorated to any significant degree by the claimed opaqueness of this form of construction. In my view, this harmful impact upon the mainly open frontages here is so serious that this appeal must fail. I am also not persuaded that the parking of cars in these open frontages is sufficient reason to alter my conclusion in this case or that open plan frontages result in a sameness in front gardens. The Appellant also refers to some boundary hedges here and whilst those do vary in height, they are not subject to planning control.

Conclusions

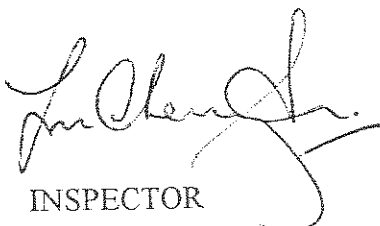
8. For the reasons given above and having regard to all other matters raised, including the other sites referred to, I conclude that the appeal should be dismissed.

Formal Decision

9. In exercise of the powers transferred to me, I dismiss this appeal.

Information

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.


INSPECTOR