



Appeal Decision

Site visit made on 5 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 March 2019

Appeal Ref: APP/Z4718/W/18/3213174

31 Chapel Street, Netherton, Huddersfield HD4 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bristol against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/60/91978/W, dated 15 June 2018, was refused by notice dated 25 September 2018.
 - The development proposed is detached house with integral garage adjacent to No. 31.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made for outline planning permission with all matters save access, layout and scale reserved for later determination, and I have considered the application plans accordingly.
3. Amended plans were considered by the Council which reduced the height of the proposed dwelling. These drawings did not form part of the public consultation but as they reduce the size of the building I am satisfied that interested parties would not be prejudiced by my consideration of these amended plans.
4. Since the date of my site visit the Council has adopted the Kirklees Local Plan 2019 (the Local Plan), which now comprises the local development framework against which the appeal should be determined. The parties have had the opportunity to comment on the effect of the Local Plan on the proposed development and I have taken all comments into account in reaching my decision.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.

Reasons

6. The appeal site comprises land to one side of 31 Chapel Street and currently forms part of the garden of the dwelling, containing a driveway and single storey garage. The street is on a relatively steep slope and No. 31 is located uphill of the site. Downhill there is a narrow road that provides access for 27 and 29 Chapel Street, whose eaves are roughly in line with the division

- between ground and first floors at No. 31. The proposal is for the erection of a detached dwelling with an integral garage on the site. The application is for outline permission with access, layout and scale to be determined.
7. The application plans show that the eaves of the proposed dwelling would be of a similar height to the eaves of Nos 27 and 29. While the majority of dwellings on Chapel Street have front elevation windows facing the road, the main elevations of Nos 27 and 29 face the flank elevation of No. 31.
 8. The orientation of the buildings means that the front elevations of Nos 27 and 29 are likely to be in shadow during mornings, receiving direct sunlight in the afternoons. The proximity of the proposed dwelling would be likely to reduce the period during which the properties received direct sunlight, especially at No. 27 which is eastward of No. 29. The layout of the area also means that Nos. 27 and 29 have their principal outdoor space to the front the buildings, which would also be likely to lose direct sunlight due to the height and location of the proposed dwelling.
 9. Nos 27 and 29 have seven or so ground and first floor windows, together with a conservatory at No 29, that face directly onto the flank wall of No. 31. The proposed building would impose a flank elevation significantly closer to these front elevation windows. Although final design is a reserved matter, the appellants have indicated that the flank elevation of the proposed dwelling would likely be a blank façade. Notwithstanding the proposed separation distances between the proposed and neighbouring buildings, a blank façade would result in a detrimental loss of outlook for the occupiers of Nos. 27 and 29 that would be oppressive and overbearing.
 10. It is not clear that an acceptable minimum distance would be achieved between the flank elevation of the proposed house and the conservatory at No. 29, which comprises the main living area of that dwelling. Given the relative proximity, should the elevation contain windows, they would be likely to look directly into the windows of habitable rooms at Nos. 27 and 29 resulting in an unacceptable loss of privacy.
 11. Therefore, the proposal would not accord with Policy 24 of the Local Plan, which seeks to ensure that developments promote good design by ensuring they provide a high standard of amenity for neighbouring occupiers, including maintaining appropriate distances between buildings.

Other Matters

12. Interested parties raised a number of objections, including the impact of the proposal on the character and appearance of the area, and on parking and highway safety, and the impact on local services. Interested parties stated that the proposal would not be in keeping with the area and would not respect street pattern. The final design of the proposed dwelling is a reserved matter and therefore it is not possible to determine whether it would suit the prevailing character and appearance of the area. The street pattern is informed by the existing access road which is the sole vehicular access for No. 29 and therefore the proposed dwelling would have little, if any detrimental impact on road layout.
13. There is no compelling evidence before me of a particular parking problem in Chapel Street. The potential loss of on-street parking as a result of a dropped

kerb serving the development and/or No. 31 would therefore be unlikely to have any unacceptable impact on the living conditions of neighbouring occupiers. I note that the Council's Highway Officer did not raise any objection on this ground.

14. The addition of a single additional home would be unlikely to have a significant impact on the availability of school places or on access to dentists and doctors or other local amenities. I therefore attach little weight to this argument.

Conclusion

15. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 19 March 2019

by **Kate Mansell BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2019

Appeal Ref: APP/Z4718/D/18/3218847

23 Skipton Avenue, Fartown, Huddersfield HD2 2QG

- 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 Mrs Fouzia Rashid against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91783/W, dated 31 May 2018, was refused by notice dated 11 October 2018.
 - The development proposed is a side and rear extension and dormers to front.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Kirklees Local Plan (Kirklees LP) on 27 February 2019. I am required to determine the appeal on the basis of the development plan that is in force at the time of my decision. Accordingly, the proposal should now be considered against Policy PLP24 of the adopted LP, which is cited in the reason for refusal. The parties have had the opportunity to comment on the effect of the Kirklees LP on the proposed development and I have taken all comments into account in reaching my decision.
3. On 19 February 2019 the Government published the revised National Planning Policy Framework (the Framework), which forms a material consideration in the determination of this appeal. The revisions do not materially alter the national policy approach in respect of the issues raised in this appeal. Therefore, no party has been prejudiced by my having regard to this updated document.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. Skipton Avenue is a small residential cul-de-sac of semi-detached dwellings. On the south side of the road, the houses are two-storey and stone faced whilst the remainder of the avenue, including the appeal site, constitutes semi-detached bungalows of a uniform design and appearance, constructed in red brick with a tiled roof.
6. The appeal property at 23 Skipton Avenue is situated at the end of the cul-de-sac. Consistent with neighbouring dwellings, it is set back from the road behind

a modest front garden with a sloping driveway to the side. The back garden is of generous depth and rises steeply to the rear boundary. The appeal proposal would comprise a two-storey extension to the side of the house that wraps around the rear elevation to create a two-storey gable on the rear. A further single storey rear projection and a gable extension within the roof space is proposed adjacent to the boundary with the adjoining semi-detached bungalow at 18 Skipton Avenue. It would also introduce two dormer windows to the front roof slope of the bungalow.

7. I note that following negotiations with the neighbour, the scheme was modified in the course of the planning application process to replace the two-storey addition adjacent to the boundary with No 18 with a single storey extension with dormer above. The projection of the two-storey extension furthest from No 18 was also reduced. Consequently, the Council acknowledge that the proposal would not cause any harm to the living conditions of adjoining occupiers. This is reflected in the reason for refusal, which does not refer to the effect of the proposal on neighbouring properties but, instead, to its relationship to the character and appearance of the host building and the street scene.
8. In this regard, although the two-storey side/rear extension would be set back from the front elevation of the host building, it would be designed with an eaves level that would be significantly above that of the existing bungalow. This would, in my view, appear at odds with the current roof profile and an incongruous addition when viewed from the street, particularly given the prominent location of the appeal site, being slightly raised above the road and positioned at the head of the cul-de-sac. Furthermore, the side elevation of the extension would be blank and two-storeys in scale, reinforcing the massing of the proposal and subsequently, failing to respect the proportions and form of the original bungalow.
9. Additionally, the two gables created by the extensions at the back of the house would be constructed to the same height as the existing ridge. As a result, the simple hipped roof of the existing bungalow would be obscured and from the rear, it would appear as a two-storey dwelling. The scale, massing and design of the rear extensions would not, therefore, appear as a subservient addition to the original building but instead, they would seem disproportionate and discordant as a result.
10. To the front roof slope of the property, the two dormer windows would be set up from the eaves and set below the ridge level of the existing house. I appreciate that pitched rather than flat roof dormers were proposed having regard to appearance and durability. However, on my site visit, I observed that with the exception of a single front dormer window at 10 Skipton Avenue, they are not a predominant feature of the street scene. The remaining roof profiles of the bungalows on the street are unaltered, providing consistency to their appearance. Having regard to guidance at paragraph 127 of the Framework, whilst I am not persuaded that the dormer windows would be sympathetic to the surrounding built environment, I nevertheless acknowledge that the Council consider them to be acceptable in terms of their impact on visual amenity.
11. The appellant has drawn my attention to two examples of similar building forms. I have only been provided with a photograph of one elevation in each case and I do not have full details of their planning history before me or the

context in which they are set. However, the photograph of the rear extension to 51 Moorlands Crescent is a single gable projection to the rear. Furthermore, in contrast to the appeal proposal, it does not wrap around to the side elevation. The second scheme, as the appellant acknowledges, is to a detached dwelling that does not, from the evidence before me, appear to sit within a consistent street scene. Accordingly, I do not find either of them directly comparable with the appeal proposal, which I have assessed on its individual merits.

12. For the reasons set out above, I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would therefore conflict with Policy PLP24 of the Kirklees LP. This policy requires extensions to be subservient to and in keeping with the original building with regard to scale and details, and respect and enhance the character of the townscape. It would also be contrary to guidance within the Framework, to ensure that developments are visually attractive and sympathetic to local character.

Other matters

13. I understand that the appellant wishes to extend the property to form a larger house for the family to move in to. However, such personal circumstances do not, in my view, outweigh the harm I have identified previously.

Conclusion

14. I therefore conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR



Appeal Decision

Site visit made on 5 February 2019

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2019

Appeal Ref: APP/Z4718/W/18/3212555

102 Gawthorpe Lane, Lepton, Huddersfield HD5 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Holroyd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/60/91922/W, dated 23 May 2017, was refused by notice dated 4 April 2018.
 - The development proposed is erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made for outline planning permission with all matters save access reserved. Following the Council's decision, a revised site layout plan and an ecological assessment were submitted. The site layout does not differ materially from the previous plans and the Council has had the opportunity to address the content of the ecological assessment. Accordingly, no person would be prejudiced by my taking these matters into consideration. The drawings show a possible site layout and given the narrow confines of the site I have taken these to be indicative and have considered this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Following my site visit the Kirklees Local Plan 2019 (the Local Plan) was adopted on 27 February 2019 and now comprises the local development plan. The parties have had the opportunity to comment on the effect of the Local Plan on the proposed development and I have taken all comments into account in reaching this decision.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and Development Plan Policy;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the effect of the proposal on highway safety;
 - d) the effect of the proposal on biodiversity; and

- e) if found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. Paragraph 143 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 145(e) advises that the construction of new buildings comprising limited infilling in villages should not be considered inappropriate development.
6. The appeal site comprises a small parcel of land to the rear of 102 Gawthorpe Lane accessed by a track running along the flank boundary of the host property. Gawthorpe Lane runs roughly north to south close to the appeal site which is on the southern edge of a cluster of fifteen or so buildings. The nearest property to the south some 50 or so metres away on the opposite side of the road. Buildings are largely concentrated to the north of the site on the eastern side of the road and, other than a group of farm buildings opposite, the land is open to the east, south and west.
7. The Local Plan does not consider smaller settlements washed over by the Green Belt to be villages and unless a settlement is clearly defined, its designation is a matter of planning judgment. The relatively small group of houses and the limited facilities would appear to meet the definition of a hamlet rather than a village¹.
8. Notwithstanding the status of the settlement, the site's location on the southern extreme of the cluster of buildings with no clear, continuous built form to the south, east or west means that the site is on the edge, rather than within the settlement. The proposed building would be located to the rear of the site and therefore outside the existing build-line. For these reasons, the proposal would not constitute infill, whether in a hamlet or village.
9. I therefore conclude that the appeal proposal would not amount to limited infilling in villages for the purposes of paragraph 145(e) of the Framework. Accordingly, the proposed scheme would be inappropriate development and thus harmful to the Green Belt. Pursuant to paragraph 144 of the Framework, I attach substantial weight to this harm.

Openness

10. Openness and permanence are the essential characteristics of the Green Belt. While the proposal itself is for a relatively small plot of land, the scheme would permanently enclose part of the site and result in a significant loss of openness. While the scheme is at outline stage, with no details of the location or scale and design of the dwelling, any built development here and associated domestic paraphernalia would reduce openness.
11. Therefore, the proposed development would not be consistent with the fundamental aim in paragraph 133 of the Framework of keeping land

¹ Collins English Dictionary 12th Edition

permanently open and would not accord with Policy 59 of the Local Plan which seeks to ensure that development in the Green Belt is limited to infill where the gap is small and is located between existing built form.

Highway Safety

12. Access to the site would be via a track to the side of No. 102 and not by way of the existing access to No. 102 as stated in the Council's evidence. Although the track is currently used by the occupiers of No. 102, the development would give the exclusive use to the future occupiers of the proposed dwelling.
13. The track leading to the site forms a secondary access used by the occupiers of No. 102. The appellant states that it is in use every day, but any current use would reduce the traffic using the main access. The proposal would require the track to become the principal access to a separate dwelling with an expected increase in vehicle journeys. Any current use by the appellant would presumably shift to the existing access to No. 102 resulting in an intensification in traffic to that location.
14. From the entrance to the track there is a restricted view to the north because of the wall and high gate-posts of the neighbouring property which abut the carriageway. To the south, beyond the host property there is mature hedge which forms the boundary of the adjacent field and which follows a curve in the road to the east. Although the road is subject to a 30mph speed limit there is a very limited view. The restrictions on the view in either direction would likely require any car used by future occupiers to enter the carriageway to be able to see far enough to know if the road was clear.
15. While the additional journeys created by a single dwelling would likely be few, I take a precautionary approach. Notwithstanding the current use, there is insufficient evidence before me to show that the access would be safe given the intensification of use of both this track and the likely impact on the access to No. 102.
16. Therefore, the proposed development would not accord with Policy 21 of the Local Plan which seeks to ensure that developments do not materially add to highway safety problems and can be accessed safely by all users.

Biodiversity

17. The appellant has provided a post-decision ecological assessment based on a Phase 1 habitat survey. The assessment describes the appeal site as amenity grassland and hardstanding with low overall ecological value. It is common ground that the appeal site is within 500 metres of a known breeding pond for great crested newts. The agricultural land between the site and the pond is described as sub-optimal for great crested newts and therefore it is unlikely that the proposal would have any impact on them. No evidence was found of bats or other protected species other than nesting birds, which could be protected by conditions controlling the timing of development. The Council has not commented on the assessment and its conclusions do not appear to be in dispute.
18. Therefore, insofar as it relates to protected species, the proposal would accord with Policy 30 of the Local Plan which seeks to ensure that developments protect habitats and species of principal importance.

Other Considerations

19. I have been referred to a granted application for planning permission² for change of use of the appeal site to domestic curtilage and for the erection of a two-storey side extension. I have also been referred to a simultaneously made application³ for a proposed dwelling to be located to the west of No. 102. I am not aware of the outcome of that application, but the scheme is not before me and is for a proposed dwelling in a different location. However, neither of these is comparable to the proposed development for an entirely separate dwelling to the east of No. 102 and I therefore attach little weight to the permission or the application.
20. At the time of the decision the Council was unable to demonstrate a five-year supply of deliverable housing land sites. The protection of the Green Belt is amongst the policies that precludes application of the 'tilted balance' in paragraph 11 of the Framework and in any event the recent adoption of the Local Plan means the Council is now able to demonstrate the required housing land supply. It is therefore unnecessary to address the issue of a presumption in favour of development.
21. The appellant referred to paragraph 55 of the former iteration of the Framework (which advice is now contained in paragraph 78). This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities for example, by supporting services in a village or in a nearby settlement. No compelling evidence has been provided to show that the limited facilities in Gawthorpe are at any risk or that facilities in neighbouring settlements require any support to make them viable. I therefore attach little weight to this statement.
22. An objection was made as to the potential impact on the living conditions of the occupiers of neighbouring properties. However, as site layout, design and landscaping are reserved matters this issue should be addressed at a later stage when the impact of detailed proposals could be assessed. I note that the Council reached a similar conclusion.

Conclusion

23. I have found that the proposal would be inappropriate development in the Green Belt and that it would lead to a significant loss of openness. This harm to the Green Belt attracts substantial weight. In addition, the proposal would be likely to have a harmful impact on highway safety. The lack of harm in relation to biodiversity has a neutral effect on the overall planning balance. The other considerations do not clearly outweigh the identified harm, and the very special circumstances necessary to justify the development do not therefore exist.
24. For the reasons given above, and taking account all material considerations, I therefore conclude that the appeal should be dismissed.

D. Guiver

INSPECTOR

² 2016/92556

³ 2017/91921



Appeal Decision

Site visit made on 14 March 2019

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2019

Appeal Ref: APP/Z4718/C/18/3209907

300 New Hey Road, Oakes, Huddersfield, West Yorkshire HD3 4GQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Nadeen Ahmed against an enforcement notice issued by Kirklees Metropolitan Borough Council.
 - The enforcement notice was issued on 13 July 2018.
 - The breach of planning control as alleged in the notice is the erection of a wall, gate posts and gates exceeding 1 metre in height adjacent to a highway (shown blue on the plan attached to the notice) and engineering operation to raise land levels (shown hatched black on the plan attached to the notice).
 - The requirements of the notice are to remove from the land all material used to raise ground levels (as shown hatched black on the plan attached to the notice) and restore ground levels to the level that existed prior to the operations being carried out and to reduce the height of the wall and gates (shown blue on the plan attached to the notice) to no more than 1 metre above ground level. For the avoidance of doubt ground level is the level of the footway on New Hey Road and Hill Top Drive immediately adjacent to the wall or gates.
 - The period for compliance with the requirements is 8 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The Kirklees Local Plan (LP) was adopted on 27th February 2019 and this post-dates the issuing of the enforcement notice. The LP is now the statutory development plan for Kirklees and supersedes the Kirklees Unitary Development Plan 1999 (UDP). The enforcement notice makes reference to policies in the UDP, but these are no longer part of the development plan. The Council has confirmed that Policy PLP24 of the LP is relevant for the purposes of determining this appeal. I have also taken into account the revised National Planning Policy Framework 2019 (the Framework) as part of the determination of this appeal, particularly in respect of the importance of ensuring good design.

Appeal on ground (a) and the deemed planning application

3. The appeal has been made on ground (a) of s174 of the Town and Country Planning Act 1990 (as amended) which is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice.
4. The breach of planning control relates to the erection of boundary treatment in the form of walls, gate posts and gates around the front and side of a semi-detached dwellinghouse. The property is positioned on the corner of New Hey Road with Hill Top Drive. Details of the breach of planning control have been provided by the appellant in plan form and I have also viewed the development as part of my site visit. In addition, the appellant has submitted a Google Street View image which shows what the appeal site was like prior to the breach of planning control taking place. The main issue is the effect of the unauthorised development upon the character and appearance of the area.
5. Prior to the breach of planning control taking place, there was some uniformity to the essentially open frontages of the two semi-detached corner plots at either side of the entrance to Hill Top Drive. They both had similarly very low boundary walls with very visible and open front amenity spaces. There is no doubt that this arrangement and uniformity had a very positive environmental effect upon the character and appearance of the area.
6. I recognise that there are some higher walls in other parts of New Hey Road. Indeed, as part of my site visit I was able to view the various walls referred to by the appellant in his appeal statement. However, the appeal site is in a part of New Hey Road which is characterised by dwellinghouses which are positioned at a much higher level than the highway and where the lower/sloping and mainly landscaped gardens are clearly visible to the passer-by given the prevalence of very low boundary walls.
7. Given the above, and notwithstanding the appellant's references to higher walls elsewhere in other parts of New Hey Road, there is some design uniformity to the very immediate area in respect of boundary treatment. The walls appear very much subservient in scale to the more dominant dwellinghouses thereby emphasising a more open and spacious environment. In the main, the pattern of low level boundary treatment is also reflected in Hill Top Drive.
8. In the context of the above distinctive and positive characteristics of the area, I consider that by virtue of the height and position of the unauthorised boundary treatment, it has had a very enclosing and dominating impact when viewed from New Hey Road. To this extent, material harm has been caused to the character and appearance of the locality. Furthermore, the overall height of the development is in stark contrast to the lower boundary walls that mainly exist on Hill Top Drive.
9. The above harm is compounded by the fact that the walls include the use of grey render with feature stonework, stone pillars and black and grey gates. This mixture of colours and materials has the effect of making the development stand out even more in the street-scene. Whilst there is a mix of boundary materials in New Hey Road, in the main the boundary walls tend to be in one material and either brick or stone. In this context, the appeal development appears discordant and fussy in the street-scene.

10. As I have found that the boundary walls/gates and pillars are unacceptable, and hence must be reduced to no more than 1 metre in height above ground level in accordance with the requirements of the notice, it is necessary that I consider the effect of such a reduction in height against the effect of the engineering operation (i.e. raised land level by approximately 1.1m) upon the character and appearance of the area.
11. The engineering works have created a flat and mostly paved area in front of the house. This is in direct contrast to the front amenity spaces of the other properties in the vicinity of this side of New Hey Road which are in the main sloping and greener. In this regard, the predominantly paved and flat area looks materially out of place in the locality. With a reduction in the height of the existing boundary treatment to no more than 1 metre in height above ground level (as per the requirements of the notice), I consider that the flat/paved area would look even more prominent and incongruous in the street-scene if it were allowed to remain.
12. In respect of the engineering operation, the appellant contends that if the change in the land level had not exceeded 300mm planning permission would not have been required for it. The appellant has not substantiated why he thinks that raising the land by 300mm would not require planning permission and, in any event, that would amount to a different form of development to the breach of planning control. In addition, had the appellant wanted me to consider such a proposal as part of the ground (a) appeal, then it would have been open to him to have submitted an alternative scheme showing what it would look like. In the absence of such details, it has not been possible for me to consider the effect of an alternative scheme upon the character and appearance of the area.
13. For the reasons outlined above, I conclude that all of the boundary treatment works and the engineering operation has collectively had a significantly adverse impact upon the character and appearance of the area. Consequently, the development does not accord with the design, character and appearance aims of Policy PLP24 of the LP and Chapter 12 of the Framework.
14. In reaching the above conclusion, I have taken into account the appellant's comments about providing secure and private garden space for his family, including his children. I do not know if the appellant has explored the possibility of other and more sensitive options, including perhaps planting an evergreen hedge behind a low boundary wall, which might deal with some of these issues. In any event, the appellant's desire for more privacy and security to the front of his property is not a matter which outweighs or alters the very significant harm that I have identified in character and appearance terms. I do not consider that the development constitutes good design and so therefore I do not agree with the appellant that the boundary treatment works accord with Policy PLP24 of the LP in so far that they are not a "*well designed security feature*".
15. For the reasons outlined above, and taking into account all other matters raised, the appeal on ground (a) fails.

Appeal on ground (f)

16. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to

remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

17. The appellant's case under ground (f) is that the requirements of the notice are excessive in so far that a planning officer had previously indicated that some of the development was acceptable in planning terms. I do not have any written details of any conversations or meetings between the planning officer and the appellant. In any event, I have found that in respect of the ground (a) deemed planning application significant harm has been caused to the character and appearance of the area. This relates to the breach of planning control in its entirety.
18. The appellant considers that the requirements of the notice are excessive in so far that it requires the raised land to be reinstated to its former condition. He considers that the notice should allow him to reduce levels so that they do not exceed more than 300mm above the former ground level. However, this is a matter that I have already addressed as part of the ground (a) appeal. Furthermore, and in respect of the engineering operation, the purpose of the notice is to remedy the breach of planning control. Therefore, the requirement to remove all works comprised as part of that engineering operation is not excessive.
19. For the reasons outlined above, including my reasoning as part of the ground (a) appeal, I conclude that the steps in the notice are not excessive. Therefore, the ground (f) appeal fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR