



Appeal Decision

Site Visit made on 19 February 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/F4410/D/20/3263456

44 Town Moor Avenue, Town Moor, Doncaster DN2 6BP

- 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 Hamid Shah against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 19/00319/FUL, dated 10 January 2019, was refused by notice dated 27 August 2020.
- The development proposed is erection of boundary wall at the front of the property (retrospective).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the proposal had been partly constructed with the brick wall and pillars been built. The railings and gates were not installed. I have assessed the appeal accordingly.
3. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Doncaster Town Field Conservation Area.

Reasons

5. The appeal site relates to a semi-detached residential property with front garden area. The site lies within the Doncaster Town Field Conservation Area (CA).
6. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA in the immediate area of the appeal site is characterised by residential properties with front garden areas, predominantly bounded by brick walls, fronting onto Town Moor Avenue. The front boundary walls of the properties in the immediate setting of the appeal site are low level. This low level walling

- provides a continuous horizontal feature, with the properties located beyond, that positively contributes to the character of the CA.
8. The proposal, due to its size and positioning, would be an incongruous feature that would detract from the horizontal unity of the existing boundary treatment in the immediate area.
 9. The appellant has referred to a number of properties in the area which do not have low level boundary treatment and I have had regard to each of these. These boundary treatments referred to by the appellant are however, located in the wider area. The immediate setting of the appeal site is characterised by low level walling. The tall and prominent walls and railings that are proposed would be in conflict with this horizontal aspect of front boundary treatment that is an important feature in the locality.
 10. I note attempts to re-use previous bricks and copings, and also to apply professional tinting to the brickwork to align colours with adjacent walls. There are different types of bricks and coping in the area. However, the use of steel railings is not common and only visible sparingly as access gates. The proposed materials, particular the use of steel railings across the whole length of the front boundary, would be out of keeping with the surrounding boundary treatment and would be a discordant structure that would harm the character and appearance of the area.
 11. I therefore find that the proposal would not preserve or enhance the character and appearance of the CA. The proposal would be in conflict with Policies CS1, CS14 and CS15 of the Doncaster Council Core Strategy 2012, "saved" Policy ENV25 of the Doncaster Unitary Development Plan 1998 and Policy 38 of the emerging Doncaster Local Plan which seeks new development to preserve or enhance the character or appearance of a Conservation Area and setting of heritage assets.
 12. The proposal would be harmful to the CA and thereby the significance of the heritage asset. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
 13. I have had regard to the appellants statement of case including reference to the Doncaster Town Field Conservation Area Review; support from neighbours, family and friends; that the previous wall collapsed as a result of a traffic collision and the proposal would provide some protection to family members using the front garden area. The appellant has also referred to a number of burglaries in the area, and that the proposal would provide some security. The Council's Highway Development Control Team have also not raised any objections indicating that the proposal has no risk to public safety. The replacement of the previous wall, including these matters above, would have some public benefit that I consider to be of moderate weight. However, these public benefits would not outweigh the cumulative harm to the CA which I have identified above.
 14. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Conclusion

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

Chris Baxter

INSPECTOR