
Appeal Decision

Site visit made on 3 October 2016

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/H1515/W/16/3152275

10 Wyatts Green Lane, Blackmore, Ingatestone CM15 0PX

- 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 David Cronin against the decision of Brentwood Borough Council.
 - The application Ref 16/00251/FUL, dated 20 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is the change of use of open verge to residential land (C3) and construction of 1.8m close boarded boundary fence.
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Decision

1. The appeal is allowed and permission is granted for the change of use of open verge to residential land (C3) and construction of 1.8m close boarded boundary fence at 10 Wyatts Green Lane, Blackmore, Ingatestone CM15 0PX, in accordance with the terms of the application, Ref 16/00251/FUL, dated 20 February 2016.

Preliminary matters

2. In the interests of clarity the description of the application is based on that used in the Council's decision notice.
3. By the date of the site visit the change of use had already taken place and the close boarded fence had been erected.

Main Issue

4. The main issue is the effect of the boundary fence on the character and appearance of the area.

Reasons

5. No 10 Wyatts Green Lane is a linked detached house situated on a corner plot within a modern housing estate. The side elevation of the house faces a spur road and the appeal concerns the land which until recently comprised a wide grass verge alongside the house and its rear garden behind. This area has now been enclosed by a close boarded fence about 1.8 m high and the space within it has been incorporated into the rear garden of the property.
6. There is no dispute that the change of use of the land for residential garden purposes is acceptable but the Council object to the appearance of the close boarded fence, preferring a 1 m high fence with hedging above.

7. The newly erected fence is relatively stark in appearance and as it runs very close to the footway there is little or no scope for landscaping alongside to soften its appearance. However, in time, trees and/or shrubs may be planted inside the fence within the extended rear garden and this would draw attention away from the fence and thereby soften its appearance within the street scene. In any event, there are other boundary fences hard up to the footway nearby, including the length of fencing directly opposite No 10, so another fence of the same nature would not be out of place in the area.
8. The side garden of No 46, a property in an equivalent position a short distance away, was created by incorporating a similar area of grass verge into its curtilage some years ago. In that case the boundary enclosure comprises a low brick wall with a row of conifers alongside. However, the tall and growing conifers are much higher than the fence alongside No 10 and as a result, contrary to the Council's view, the boundary has no less visual impact.
9. When a rear garden is extended in this way it is inevitable that the residents concerned will seek a suitable means of enclosure for privacy and security reasons. A fence just 1 m high would not be sufficient to fulfil these aims and a hedge above such a fence would take some time to become established and even then may not be fully effective. I also note that it was the Council that sold the land to the owner of No 10 for garden purposes and a condition of the purchase was the erection of a 'good and sufficient' close boarded fence.
10. For these reasons the retention of the boundary fence as erected would not significantly harm the character and appearance of the area and would comply with Policy CP1 of the Brentwood Replacement Local Plan 2005. This requires development to be a high standard of design, compatible with its location and not have a detrimental impact on visual amenity.
11. Since the fence is in place no conditions are necessary. The fence does not impinge on the visibility splay needed for highway safety at the road junction.
12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR