

Appeal Decision

Site visit made on 5 January 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/M1595/D/16/3156468

487 London Road, South Stifford, Essex, RM20 4AD

- 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 Robert Babicz against the decision of Thurrock Borough Council.
 - The application Ref 16/00448/HHA dated 29 March 2016, was refused by notice dated 6 June 2016
 - The development proposed is *'Front garden brick wall/fence and posts extend 1m high, but by end it should not go over 1.8m due to the addition of pier caps.'*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's description is largely a narrative as to the proposal and its setting. For clarity purposes I have shortened the description, whilst keeping the appellant's wording, so as to more closely focus on the actual development involved. Although the intended wall has been part implemented, in reaching my decision, I have assessed the development as though it was a proposal.

Main Issue

3. The main issue in this appeal is the development's effect on the character and appearance of the surrounding area.

Reasons

4. The appeal property lies mid-terrace and the proposal involves the replacement of a front boundary wall, adjoining the back edge of the footway. The original proposal, and that determined by the Council, involved the incorporation of solid wooden panels between the brick piers and overlying the 0.5m high brick wall sections alongside. The brick piers would be to a height of approximately 1.8m which is significantly higher than that of the other sections of wall along the terrace.
 5. The appellant now, however, indicates that he wishes to change the wall's appearance and, rather than the decorative wooden panels he describes, instead incorporate steel railings. However, I have received no firm plans or details of such. In the absence of any revised plans the Council has not been
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able to respond and, consequently, neither have the neighbouring occupiers, who were notified of the original design when the application was first submitted, had sight of any revised design. Indeed, one interested party saw fit to make representations at this time objecting to the proposed height of the wall. I must, therefore, assess the design as originally submitted to the Council.

6. In reaching its decision the Council raised objections regarding both the height, design and solid appearance of the wall. These are factors which also give me cause for concern, particularly the solid infill, as first proposed, with the overall design being markedly different from that evident along the terrace. Policies PMD2 and CSTP22 of the Thurrock Local Development Core Strategy and Policies for Management of Development (CS) generally require that new development responds to its context and I do not consider that the proposal depicted from the drawing/plan before me sufficiently demonstrates that this would be the case. Moreover, the appellant's wish to change the design following the Council's decision to refuse planning permission has created further uncertainty. Any fundamental revisions should be put to the Council and normal procedure followed.
7. I thereby conclude that the proposal would be harmful to the character and appearance of the surrounding area and does not accord with the aims of CS Policies PMD2 and CSTP22.
8. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR