

Appeal Decision

Site visit made on 7 February 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/X1545/D/16/3162369

48 Western Road, Burnham-on-Crouch, Essex CM0 8JF

- 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 Miss Hannah Thomas against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/16/00259, dated 25 February 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as '6ft fence around garden replacing existing old fence'.
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Preliminary Matter

1. As the fence the subject of this appeal has been erected, I have dealt with this appeal as involving an application for retrospective permission.

Decision

2. The appeal is allowed and planning permission is granted for 6ft fence around garden replacing existing old fence (retrospective) at 48 Western Road, Burnham-on-Crouch, Essex CM0 8JF. The permission is granted in accordance with the terms of the application Ref HOUSE/MAL/16/00259, dated 25 February 2016. Conditions are unnecessary as the development has been undertaken.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Burnham-on-Crouch Conservation Area.

Reasons

4. The Burnham-on-Crouch Conservation Area covers the original medieval settlement of Burnham and areas of nineteenth century expansion to the north and west of the High Street, and is bound by the riverside to the south. The appeal property is located within a part of Western Road that comprises predominantly semi-detached two storey dwellings. No 48 is at the end of a row of such properties adjacent to the junction with Albert Road.
 5. The closed fence that has been erected is a continuation of the same type of fence that encloses the side garden on No 1 Albert Road. Similar fencing also runs from the road frontage to meet the corner of No 48, fully enclosing its side
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garden. A short length of smaller picket fencing has been retained to delineate the boundary to the appeal property's front garden.

6. Front boundary treatments in this part of Western Road are mainly low walls, fences or hedges. There is no common style or pattern but fencing of the type proposed here is not apparent. The low, open fence to No 48's front garden is in keeping with this general character and appearance of boundaries along the road.
7. The shape and relationship of the adjacent gardens of No 1 Albert Road and the appeal property reflects the dwellings' different orientation as the nearest properties to the street corner formed by the road junction. It is not unusual in these circumstances for a corner plot such as No 1 to have a larger scale fence to the side and rear of its garden to maintain privacy and security. In this case it is not possible to see the subdivision of the two gardens from the street. Consequently, the continuation of the fence along the street frontage and then at a right angle to meet the corner of No 48 appears as a comprehensive enclosure of the garden belonging to No 1 Albert Road.
8. Given that this type and height of fencing is not uncharacteristic to side and rear garden boundaries it does not appear incongruous within the street scene. The fact that the same style of fence has been used as that to No 1's boundary will help with visual integration as the newer fencing weathers over time. I acknowledge that the enclosure of the side garden has obscured views of an area of soft landscaping. However, such areas are not a feature on corner plots within the surrounding area and as a domestic garden with associated paraphernalia of daily living, it has limited value in the overall street scene, which is already relatively verdant with hedges and trees. As such, the loss of views of this private area of garden is not harmful.
9. Therefore, for these reasons, I conclude that the proposal is not harmful and so preserves the character and appearance of the Burnham-on-Crouch Conservation Area. Accordingly, it is not contrary to Policy BE1 of the adopted Maldon District Replacement Local Plan concerning the design of new development. This policy is consistent with the National Planning Policy Framework, particularly section seven concerning good design.
10. The Council also refers to Policy D1 of the submission Maldon District Local Development Plan (the LDP). The Secretary of State directed in June 2015 that the plan should be submitted to him for consideration and subsequently indicated in March 2016 that examination of the LDP would be resumed. The Council contends that due weight should now be given to the emerging plan. However, it is not fully clear from the information provided what scope the current examination has and what bearing, if any, it might have with regard to any potential changes to the particular policy referred to by the Council. Accordingly, for this reason, I give the LDP policy limited weight for the purposes of this appeal and instead have relied on the adopted policy referred to by the Council.
11. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

J Bell-Williamson INSPECTOR