

Appeal Decision

Site visit made on 4 July 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/V1505/D/17/3174765

9 Sweet Briar Drive, Laindon, Basildon SS15 4HA

- 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 Ms Sarah Barden against the decision of Basildon District Council.
 - The application Ref 17/00148/FULL, dated 2 February 2017, was refused by notice dated 31 March 2017.
 - The development proposed is described as 'this is a retrospective request for fences that are 2m in height on the edge of the boundary. Previous fence was the same height and in poor condition but in a different position. House had previously been burgled and had someone in the garden. New ones put up as previous ones were security risk and improvement of aesthetics of property. Was unaware needed planning permission otherwise would have done so before starting work'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the street scene; and the effect on highway safety.

Reasons

Character and appearance

4. Sweet Briar Drive, a cul-de-sac within a modern housing estate, includes predominantly two storey houses with well-planted gardens and small amenity areas, giving this part of the estate a landscaped and verdant setting. No 9 stands on a corner plot at the junction of Sweet Briar Drive with Lutea Close.
 5. The closed panel fence with concrete posts is, of itself, a typical form of side or rear garden enclosure. Its height is also not unusual, although it is accentuated at the front of the property as the garden slopes away from the house. This, however, is not uncharacteristic of the street scene as the fence at No 7 on the opposite corner of the road junction is taller, although it stands on higher
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ground. This property does, however, have a planted area to the side between the dwelling and footpath. Despite its limited size, this strip of land acts, in combination with the planted amenity area opposite on the other side of Sweet Briar Drive, to enhance the green and open aspect of the road. In contrast, the fence on the appeal site is located on the boundary with the footpath, giving the fence a prominent and urbanising appearance in the street scene. Combined with the loss of the open strip of land to the side of No 9's garden the overall visual effect is uncharacteristic and out of keeping with the appearance of the surrounding area.

6. I acknowledge that the appellant's photographs show the area to the side of No 9 in a poor condition prior to the erection of the new fence. It appears, however, that this land was part of the original design and layout of the estate, to provide landscaped areas, particularly to the corner of road junctions, as a means of softening views of the street scene. The recent condition of this land does not, in the context of its longer-term purpose, warrant its loss. I accept that the appellant has invested in the new fence and may have been unaware at the time that planning permission was required for it. However, given the long-term nature of the effects on the street scene this is insufficient reason to overcome the harmful effects that exist.
7. With regard to the appellant's understandable concerns about wishing to optimise the security of the property and to improve its appearance by replacing an old fence, this could equally be achieved through a new fence in the original position. Accordingly, these issues do not outweigh the harm already identified and have not led me to reach a different conclusion on this matter. I have also had regard to representations made by an interested party.
8. Therefore, for the above reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the street scene and so would be contrary to Policy BAS BE12(i) of the Basildon District Local Plan, which states that permission for alterations to existing dwellings will be refused if there is material harm to the street scene.

Highway safety

9. The position of the fence in relation to the driveway of No 2 Lutea Close means that a driver of a vehicle leaving the driveway has no pedestrian visibility to the east. The Council indicates that this can be remedied by re-siting the bottom part of the fence to provide an appropriate visibility splay.
10. I acknowledge the appellant's contention that a similar arrangement exists with regard to the rear fence of No 7 Sweet Briar Drive and visibility from the driveway belonging to No 1 Lutea Close. I am unaware, however, of the background to how this relationship between properties arose, nor does it warrant permitting development in similar circumstances where there is established harm to highway safety, as in this case. Moreover, I note that the appellant accepts that changes to the fence could be made to address the Council's concerns.
11. Accordingly, with a condition in place to require this change I conclude that there would be no material harm to highway safety and so no conflict with Local Plan Policy BAS BE12(v), which states that permission will be refused for alterations to dwellings where this would cause material harm by way of traffic

danger. This local policy is consistent in respect of both main issues in this case with more recent national guidance in the National Planning Policy Framework.

Conclusion

12. While I have found that the fence would not cause substantive harm to highway safety with appropriate amendments to its position secured by condition, this is not sufficient to outweigh the finding that it does cause unacceptable harm to the character and appearance of the street scene. Therefore, for the reasons given, I conclude that that the appeal should not succeed.

J Bell-Williamson

INSPECTOR