



Appeal Decision

Site visit made on 5 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/V1505/W/19/3221489

21 Robertson Drive, Wickford, Essex SS12 9QH

- 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 Sartain against the decision of Basildon District Council.
 - The application Ref 18/01026/FULL, dated 6 August 2018, was refused by notice dated 8 November 2018.
 - The development proposed was originally described as installation of 1.8 meter fence around land I own, change of use of land from 'nil' use to residential, lay shed base and install shed to house equipment for my son who has special needs, erect 10 foot trampoline (not fixed) for use by my son to develop and build muscle tone.
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Decision

1. The appeal is allowed and planning permission is granted for retention of 1.8 metre high fence and outbuilding, together with change of use of the land from amenity space to domestic garden at 21 Robertson Drive, Wickford, Essex SS12 9QH in accordance with the terms of the application, Ref 18/01026/FULL, dated 6 August 2018 and the plans submitted with it.

Procedural Matter

2. The application is retrospective.
3. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises that used in the formal Decision above. The Council dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

5. In the local area of the appeal site there are several visible examples of boundary fences of similar scale, design and materials to the appeal proposal. Further, as with the appeal site, several of these nearby examples are associated with corner plots and several of the fences directly abut the highway. Accordingly, the fence is not out of keeping with this local character and blends in with the streetscene rather than appearing as prominent or jarring. Further, the fence is of a type commonly seen as a boundary treatment to residential properties and is not be incongruous with the host dwelling.

6. I have seen very limited substantive evidence from the Council as to the amenity value of the narrow strip of land next to the highway, currently contained behind the fence through the appeal development. I have received evidence from the appellant to indicate that it was of low amenity value, being susceptible to dog fouling and the accumulation of rubbish and litter. This evidence has not been challenged by the Council in the appeal papers, and I place significant weight on it. Further, the tree on the land is retained under the appeal scheme and substantially visible above the fence providing a strong sense of landscaping and verdancy.
7. The appeal scheme shed is modest and situated behind the front building line. It is slightly visible above the fence and in that respect is similar to a nearby example on the streetscene. Further, comprised of timber and broadly in keeping with the fence materials it does not appear as incongruous to its surroundings.
8. For all of the above reasons, the appeal scheme does not harm the character and appearance of the area. As such, it is not contrary to Saved Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007), as supported by Guideline DC1 of the Basildon District Council Development Control Guidelines. It would also be in accordance with the design principles of the National Planning Policy Framework.

Other Matters

9. Concerns have been raised by interested third parties about the effect of the development on highway safety, particularly as regards visibility at the corner junction. The Highways Authority have not raised concerns and, given that the fence and shed are set back from the junction allowing reasonable visibility splays, I do not find that harm would be caused to highway safety at the junction or in general terms.
10. The proposed fence would not cause harm to the living conditions of neighbours, as regards outlook, by reason of scale, position and separation distance. I have seen no substantive evidence that it would increase crime.

Conclusion

11. The development accords with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed.

Andrew Walker

INSPECTOR