



Appeal Decision

Site visit made on 20 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/A1530/D/19/3232705

104 Oak Road, Tiptree, Essex CO5 0NA

- 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 Mrs Amanda Otto against the decision of Colchester Borough Council.
 - The application Ref 191163, dated 24 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is demolition of front boundary wall and reconstruction.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicated that work started in April 2019, and at my site visit, I saw that the development had commenced. However, I have dealt with the appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site fronts the junction of Oak Road and Kelvedon Road with gated accesses to each. It is to the north west of Tiptree, on the periphery of the village, and the appellant indicates that the site is outside of the defined settlement boundary. Along Kelvedon Road to the north west of Tiptree are low density mixed residential and commercial uses with open fields beyond. This results in a more rural character than the residential development along Oak Road and within the village, which is more tightly arranged in comparison. The varied buildings on the appeal site are set significantly back from the road in spacious grounds and the resulting open character of the site is consistent with the rural setting of the approach to the village.
5. I observed a variety of boundary treatments present in the vicinity of the site including on both Oak Road and Kelvedon Road. I noted some examples of high walls or close boarded fences. However, the frontages to the majority of sites remain open or are defined by railings, lower level walls and fences which maintain views through to the development behind; or by mature soft landscaping. As a result, there is an overall feeling openness which generally

increases towards the north along Kelvedon Road as densities reduce and greater spacing is provided around buildings in the transition to open countryside.

6. Both the Council and the appellant have referred to a previous proposal on the site for a 2m high wall between 2.25m brick piers¹ which was dismissed at appeal although I have not been provided with details of this proposal or the full decision. As now proposed, the boundary wall would comprise an approximately 1.8m high brick wall set between piers which would be around 2m high.
7. Notwithstanding any reduction from the previous proposal, given its height, length and the prominence of the site in views from Oak Road and Kelvedon Road, the wall would form a large and obtrusive feature in the street scene. Furthermore, there would be very little visual differentiation between the piers and sections of wall between, and the significant height of the solid expanse of wall would form an uncharacteristically harsh visual barrier. As well as giving the appeal site the appearance of being set apart from its surroundings, this would significantly reduce views through to the site frontage and erode the open character of the rural fringe setting to the village which the site contributes to. This would not be mitigated by the spacing provided outside of the site boundary by the relatively wide junction. Overall, I find that the development would not be high quality design and that would detract from the character and appearance of the area.
8. I have had regard to other examples of boundary walls and fences in the area, including those referred to by the appellant, and I note that some of these are positioned very close to the highway. However, instances of high-level formal enclosure to site frontages are very much in the minority. Where these are present, none result in a boundary of comparable height across such a wide extent of frontage, and in such a prominent junction location as the appeal site. While a wall in itself may not therefore be an exceptional feature in the area, these examples are of different character and do not justify the harm that the appeal proposal would cause to the character and appearance of the area.
9. The appellant also comments that the draft Neighbourhood Plan for the area identifies a general direction of new development to the north west of Tiptree in the vicinity of the appeal site and that the character of the area will therefore change. However, given the draft stage of the Plan, any future change to the context of the site remains uncertain at this time.
10. I therefore conclude that the proposed boundary wall would cause unacceptable harm to the character and appearance of the area. As a consequence, it would conflict with Policies ENV1 and UR2 of the Core Strategy 2008 (CS) and Policy DP1 of the Development Policies 2010 (DP) which together seek high quality and inclusive design and include requirements for development to respect and enhance the character of a site and its context, and to create places that are locally distinctive through development which is appropriate in terms of factors including its scale, siting and design.

¹ Application ref 151985

Other Matters

11. I acknowledge that there would be some economic benefits through employment during construction, although given the scale of the development this would be limited. The appellant also indicates that there would be significant security benefits through screening to the site increasing the likelihood that opportunists would pass by, particularly given that a business operates from the site. Details of the number of burglaries which have occurred historically within Tiptree are provided to support this.
12. I note that CS Policy DP1 requires that development creates a safe and secure environment. The prevention of crime and creating safe and secure environments is also an objective of the National Planning Policy Framework. However, I do not consider that the security benefits identified by the appellant would outweigh the harm that I have identified to the character and appearance of the area.

Conclusion

13. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR