



Appeal Decision

Site visit made on 5 November 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/W1525/D/19/3238648

2 Victoria Road, South Woodham Ferrers, Chelmsford CM3 5LR

- 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 William Woolward against the decision of Chelmsford City Council.
 - The application Ref 19/01086/FUL, dated 14 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is a retrospective application for a 1.8 metre high fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development on the application form does not accurately describe the development applied for. As such, I have adopted the Council's description of the development from the decision notice to which there is no disagreement between the parties.
3. The application form identified that the work had been completed prior to the point at which the application was made. Therefore, the plans submitted with the application are intended to be a representation of what is already there. There is nothing before me to indicate that there is any discrepancy between the plans and the development, as built, and I have proceeded on the basis that they are an accurate representation. In other words, planning permission is sought for the development as it exists on the ground.

Main Issue

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

Reasons

5. The site is a single storey detached dwelling located on the corner plot of Victoria Road and Hullbridge Road. The area is characterised by a mix of single storey and two storey detached properties and a short terrace of two storey properties directly opposite the site. The front gardens of the properties in the vicinity of the appeal site are predominantly comprised of either open frontages such as that found with the short terrace opposite, or front boundaries that include a mixture of low level hedging and short picket fences. The front

gardens are largely soft landscaped and provide a verdant transition between the pavement and the dwellings in the area.

6. The development has been carried out in the form of an approximately 1.8 metre high close board fence erected along a 12 metre section of the property boundary with Hullbridge Road. The fence, by virtue of its height, length and appearance jars with the prevailing character of the area and the softer boundaries found in the vicinity. The fence is a dominant feature in the street scene due to its height and construction. As the appeal site is a corner plot, it is highly visible from surrounding properties and vehicles passing the site. The close board type of construction does not allow for any inter visibility or glimpsed views of the garden from the public realm, resulting in a stark boundary that is out of keeping with the character of the area.
7. The appellant has indicated that the fence has replaced a much higher evergreen hedge boundary which was around 3 metres in height. However, notwithstanding the difference in height, the hedge boundary would have had a significantly less stark appearance in the street scene than the fence as its effect would have been a softer and more verdant boundary to the property. The fence has significantly altered the character of this part of the site boundary and creating a greater sense of enclosure and introducing a hard boundary in an area where no similar front boundaries are otherwise present.
8. The appellant has indicated other examples of high fences and walls in the area. Whilst there is a wall along the rear boundary of No 1 Victoria Road, and a fence along the rear boundary of No 181 Hullbridge Road, these relate more closely to Ferrers Road which has a different character than the appeal site due to the type of road and the lack of individual residential property accesses from it. However, from my site visit, there were no directly comparable examples in the vicinity of fences of similar height parallel with the road. The only similar fence evident was that along the side boundary of the appeal site and No 168a Hullbridge Road which is perpendicular to the highway. This fence is lower than the appeal development, and due to being perpendicular to the road, has a much more limited effect on the openness of the frontages than the appeal development. As a result, the fence appears as an incongruous feature in the area resulting in harm to the character of the street scene.
9. The appellant has indicated that the fence has been erected to provide a greater sense of security and easier maintenance. I agree that the fence may provide a greater sense of security for the appellant, providing easier maintenance. However, its appearance is such that it is a nonetheless incongruous feature in the street scene, and as a result, these factors are not sufficient to alter my findings in respect of the character and appearance of the area.
10. In light of the above, I conclude that the development is harmful to the character and appearance of the area. As such, it is contrary to Policy CP20 of the Chelmsford City Core Strategy and Development Control Policies document (2008) which requires the layout and design of all new development to create well designed high quality successful places. The development also fails to accord with paragraph 130 of the National Planning Policy Framework which indicates that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area.

Other matters

11. The site is subject to a Tree Preservation Order (TPO) covering two silver birch trees along the southern boundary of the property adjacent to Victoria Road. The development is a sufficient distance away from the protected trees to avoid any adverse effects on them. As such, this has not altered my conclusions.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR