The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/J1535/W/19/3237274
Tylers Green Stores, Vicarage Lane, North Weald, Essex CM16 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr B Patel, Tylers Green Stores against Epping Forest District Council.
- The application Ref EPF/1288/19, is dated 17 June 2019.
- The development proposed is described as 'replacement outbuildings used for storage and erection of a 2.15m high fence around the plot'.

Decision

1. The appeal is allowed and planning permission is granted for replacement outbuildings used for storage and the erection of a fence around the plot at Tylers Green Stores, Vicarage Lane, North Weald, Essex CM16 6ET in accordance with the terms of the application Ref EPF/1288/19, dated 17 June 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plan: 821.01B.

   3) The external surfaces of the development hereby permitted shall match those shown on plan no. 821.01B and the submitted application form.

Application for Costs

2. An application for costs was made by Mr B Patel, Tylers Green Stores against Epping Forest District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council failed to determine the application within the prescribed period. Following submission of the appeal, the Council have prepared an appeal statement which indicates no issue with the proposed replacement outbuilding but raises concerns over the effect of the boundary treatment on the character of the site and area.

4. The description within the banner heading above is taken from the application form and reflects the annotated heights marked on drawing 821.01A which was originally submitted with the application. However, the appellant submitted an

amended plan (drawing 821.01B) to the Council altering the materials of the boundary treatment and reducing its height from that noted within this description.

5. Prior to the Council's receipt of this plan on 20 September 2019, the appellant lodged the current appeal against the Council's failure to determine the application within the prescribed period. As a consequence, although the Council have advised that they would have been minded to approve the development on the basis of the amended plans, they were unable to proceed to determine the application.

6. I have noted that the appellant advises that the amended proposals were provided reluctantly to avoid further delay. In the interests of fairness, I have had regard to the development as initially proposed and shown on drawing 821.01A and the appellant's comments within the submitted evidence. Nevertheless, amended drawing 821.01B has been submitted as part of the appeal. The Council advise that they are happy for the revised drawing 821.01B to be considered as part of the appeal and as this is a minor amendment to the original proposal, I do not consider that the interests of any third parties would be prejudiced by my taking this amended plan into account within my decision. I have therefore determined the appeal on this basis.

7. The appellant has referred to the placement of powder coated aluminium panels within the proposed boundary treatment but this is not part of the proposals which are before me as part of this appeal, and therefore I have not considered this matter further.

Main Issue

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

Reasons

9. The appeal site is located at the junction of Weald Bridge Road with Vicarage Lane. Closest to the site, this side of Vicarage Lane is characterised by detached bungalows of varied designs which are set behind generous frontages, although adjacent to the site is a two-storey building known as Tinkers Hatch/Greenwood which is set closer to the road. To the frontages of sites, boundaries are typically marked by vegetation, low walls or relatively low level fencing. Together with the deep frontages and the open ground which is opposite, this gives a spacious and open character to the street scene.

10. There is also open land opposite the dwellings on Weald Bridge Road near to the appeal site. For the most part, these dwellings are detached bungalows but 5 Weald Bridge Road adjacent to the appeal site is a two-storey building. The front boundaries of these dwellings are also generally open or low level and while buildings are set slightly closer to the street than those on Vicarage Lane, this does not detract from the overall openness of the street scene.

11. The appeal site accommodates a two-storey building in use as 'Tylers Green Stores' at ground floor level. The building is positioned on the front boundary and is set at an angle to the adjacent dwellings on both Weald Bridge Road with Vicarage Lane facing the junction. To the side of the building fronting Vicarage Lane is an area of hardstanding used as parking. Set behind this is a flat-roofed outbuilding with an 'L-shaped' footprint which also extends along

part of the boundary with 5 Weald Bridge Road. Fencing marks the boundaries of the site with the neighbouring dwellings, while to the street the boundaries are open or marked by very low level brick wall save for two pedestrian gates.

12. The proposal includes replacement of the existing outbuilding on the site and I note that the Council have raised no concerns over this element of the development. From my visit and the information before me, and subject to the use of the indicated materials which can be secured by condition, I agree that the outbuilding would not cause harm, including with regard to the character and appearance of the area.

13. The boundary treatment originally proposed and shown by drawing 821.01A to the front boundary of the site with the pavement would be of significantly greater height than the relatively low level features which are characteristic to the frontages of sites on Vicarage Lane and Weald Bridge Road. While there are some sections of wall to the front of the site currently, the wall proposed to the lower section of the boundary to much of the frontage would be of greater height. Notwithstanding that the use of railings would allow some views into the site, the height and materials together with the length along the boundary would give the appeal site the unwelcome appearance of being set apart from its surroundings and would detract from the openness of the street scene and the spacious character of the area. As a result, the boundary would be uncharacteristically harsh, and would form a large and obtrusive feature that would dominate the street scene at this prominent location on the junction. Given this, I find that there would be unacceptable harm to the character and appearance of the area.

14. However, the amended proposal for the site as shown by submitted drawing 821.01B reduces the overall height of the boundary and omits the sections of brick wall. I accept that there would be no change to the length of the boundary, and even in its reduced form the height of the fence would be greater than boundaries usually present to the front of other buildings nearby. However, the boundary as amended would be more similar in height to the fencing along the boundary of the site to the side of 5 Weald Bridge Road which already projects forward of the building line.

15. While the reduction in height of the boundary would be relatively small in itself, the combined effect of the lesser height together with the removal of the wall would retain a significantly greater degree of openness on the site and the impression of the segregation of the site from its surroundings. This would reduce the visual impact and dominance of the development.

16. For these reasons, I find that the amended proposals as shown by drawing 821.01B would not result in unacceptable harm to the character or appearance of the street scene or area. With regard to this amended proposal only, I find no conflict with saved Policy DBE1 of the Local Plan and Alterations 2006. This policy reflects the requirement for the creation of well-designed places set out within the National Planning Policy Framework and seeks buildings that respect their setting and employ sympathetic external materials. For similar reasons, the proposal as amended would not conflict with the requirement within Policy DM9 of the Local Plan Submission Version 2017 for development that relates positively to its context, but as this is not an adopted part of the development plan and is subject to change, I afford this policy less weight.

Other Matters

17. The appellant has referred to stress associated with the process of the consideration of the application, however this is not a matter which affects my assessment of the planning merits of the case.

18. I note the appellant's concerns that the amended proposals for the site shown on drawing 821.01B would enable views into the site from the street. However, while I am sympathetic to the desire for privacy, views into the site from the street would be similar to those that would result from the treatment originally proposed as shown on drawing 821.01A where the upper section of the boundary would also be formed of railings. I also note the appellant's concerns that the boundary as amended would not prevent incidents of vandalism to vehicles on the site. However, while I acknowledge the appellant's evidence of one past incident, I have not been provided with any detailed evidence to indicate more than a general concern or to demonstrate any significant improvement in security associated with the boundary as originally proposed. Accordingly, these matters would not outweigh the harm that I have identified would be caused to the character and appearance of the area by the development initially proposed and shown on drawing 821.01A.

Conclusion

19. For the reasons given above, and in respect of the amended proposals shown on drawing 821.01B only, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR