
Appeal Decision

Site visit made on 18 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/W1525/D/19/3241196

7 Rutland Road, Chelmsford CM1 4BL

- 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 Irene Wolff against the decision of Chelmsford City Council.
 - The application Ref 19/01591/FUL, dated 18 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is part front facing and side facing 1.8m high vertical boarding timber fence.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note the description of development on the appeal form, I have used the description on the application form in the header above in the interests of certainty.
3. I note the policy from the emerging local plan cited in the decision notice. However, since there is no certainty that the policies will be adopted in their current form, I attached them limited weight only.

Main Issue

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

Reasons

5. The site is located in a prominent corner plot on Rutland Road which is characterised by two storey terraced dwellings in a distinctive style with low walls or no boundary treatments that gives the area a spacious unified feel. The site is adjacent to a grassed triangular area on the corner of the roads that is matched by a similar area on the opposite side of the road. Thus the site, given its unique location and splayed corner, provides a significant contribution to the spacious character and appearance of the area.
6. The proposal consists of a tall fence that would extend along the splayed corner of the plot and part of the front of the site. Given its height, length and siting on the splayed corner, it would appear as an obtrusive incongruous element in the street scene and would significantly diminish the spacious unified character and appearance of the area.

7. I note the tall fence at No 1A Rutland Road, however, this is in a less prominent location and is sited near the start of the road which has a less open character and appearance. While there may be other tall fences in the wider area, these are some distance from the appeal site such that they are not directly comparable.
8. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy CP20 of the Core Strategy and Development Control Policies Development Plan Document 2001-2021 Adopted February 2008 which among other things requires all new developments to be sensitive to its context. It would also conflict with the National Planning Policy Framework in this regard.

Other Matters

9. I acknowledge the concerns regarding securing the property and creating a safe access to the back garden. I also acknowledge concerns regarding people throwing rubbish into the garden and gathering within the site at night time and sitting on the grass. However, these matters are covered by other legislation and are not planning matters. As such they have not altered my overall decision.
10. I acknowledge that the proposal may not harm highway safety or have adverse effects in terms of blocking the vision or viewpoint of others. However, these are neutral matters that do not weigh in favour of the development. Consequently, they have not altered my overall decision.
11. I also note that the appellant was not aware that planning permission was required and that some expense has been incurred in commencing the works. However, I have considered the proposal on its planning merits.

Conclusion

12. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR