
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/19/3241471

11 The Ryle, Writtle, Chelmsford CM1 3JQ

- 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 David Stevens against the decision of Chelmsford City Council.
 - The application Ref 19/01230/FUL, dated 10 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is described as, 'fencing'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From the evidence and my observations during the site visit, the fence has been erected in line with the submitted drawings, while the planting has not been carried out. I have therefore assessed the appeal on this basis.
3. I have used the description of development from the application form in the interests of certainty.

Main Issue

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

Reasons

5. The appeal site is located in a prominent position on the corner of The Ryle and Long Brandocks. The area is generally characterised by two storey dwellings with either no front boundary treatment or low-level walls and hedges such that the area has a spacious character and appearance. I note that the original character of the area may be changed over time and open spaces may have been enclosed. However, the area nevertheless retains a spacious feel. In addition, given the location of the appeal site on the corner of a main route into the estate and that it lies opposite to a property with a green verge between the fence and pavement, it provides a significant contribution to the spacious character and appearance of the area.
6. The development includes a tall fence that starts in line with the building line of the host building and extends along the side of the appeal site near the back of the pavement. The erection of the fence has removed a significant area of green open space from the public realm and appears prominent in the street scene given the other low-level boundary treatments in the vicinity. In

addition, given the prominent location of the site on the corner of two roads and opposite a property with a substantial space between the boundary fence and pavement, the fence has had an adverse effect on the spacious character and appearance of the area.

7. I acknowledge that there are a number of tall hedges in the area, as referred to in the appeal statement and the proposal consists of a hedge to be planted in front of the existing fence. I also note the willingness of the appellant to plant a mature hedge. However, the distance between the fence and the back of the pavement is limited, such that it is unlikely that a suitable hedge could grow in this space to a sufficient height and of adequate coverage to mitigate the prominence of the fence without encroaching into the highway. In any event, given the amount of open space that was removed by the erection of the fence, a hedge in this location would not mitigate the adverse effect on spaciousness.
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 development to be sensitive to its context. It would also conflict with the National Planning Policy Framework (Framework) in this particular regard.

Other Matters

9. I note that the Framework promotes health and wellbeing, the fence secures the site and provides additional amenity space for the appellant's family and that there are no specific policies which resist the enclosure of residential private amenity spaces. However, these matters do not override the harm identified and has not altered my overall decision.

Conclusion

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

R Sabu

INSPECTOR