The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/X1545/D/20/3245010
23 Viking Road, Maldon CM9 6JR

- 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 Leigh Blanke against the decision of Maldon District Council.
- The application Ref HOUSE/MAL/19/00979, dated 14 September 2019, was refused by notice dated 6 January 2020.
- The development proposed is to remove hedging around the property and erect a fence with 3x1800mm, 1x1500mm, 1x1200mm and 5x900mm fence panels with gravel boards 300mm high and gravel posts. Fence panels to match existing.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site includes a semi-detached dwelling located on a corner plot and adjacent to a highway junction. The property is accessed from and oriented to face Viking Road, with Dorset Road to its side. It features a large front garden that is bordered along both roads by hedges. It also has a rear garden bordered along Dorset Road by a fence with concrete posts and gravel boards. Properties in the area mostly feature generous front gardens that are unbound or enclosed by hedges or low-level walls or fences, resulting in a prevailing sense of openness and spaciousness.

4. Two sections of fence are proposed which are separated by the existing access. The longer section of fence would be highly prominent as a result of its location adjacent to the junction. It would be constructed from the same materials as the existing fence and extend along Dorset Road then around to Viking Road, forming a continuous and solid boundary to the front garden.

5. Although the fence would reduce in height towards Viking Road most of it would appear higher than the boundary treatments to other front gardens. Taller walls and fences are visible in the area, but they tend to enclose rear gardens and are limited in length and prominence where they form boundaries to front gardens. By contrast, the proposed fence would be much longer and highly prominent, resulting in a dominating effect on the streetscene.

6. The position and materials of the longer section of fence, combined with its height and length, would harden the boundary of the front garden, appear incongruous and undermine the open and spacious character of the area. Although the shorter section of fence would be lower in height, it would contribute to the sense of enclosure around the property. The use of materials to match the appearance of the existing fence would not overcome the harm that has been identified.

7. The proposal would therefore harm the character and appearance of the area, contrary to policies D1 and H4 of the Maldon District Approved Local Development Plan 2014–2029, which seek to protect the character and appearance of an area, and the National Planning Policy Framework.

Other Matters

8. The appellant believes that the hedges are dead, unsightly and collect rubbish, and that the proposed fencing would address existing highway safety issues. I do not consider that the hedges restrict the sightlines for vehicles emerging from Dorset Road. The hedges may limit the visibility of drivers egressing from the property but this should encourage driving at low speeds. In addition, no evidence has been provided which suggests that the hedges cannot be maintained to a lower height. I have had regard to the condition of the hedges and the highway safety concerns raised but consider that these matters do not outweigh the harm that would result from the proposed development.

Conclusion

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

Mark Philpott

INSPECTOR