



Appeal Decision

Site visit made on 1 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2020

Appeal Ref: APP/Z1510/D/20/3246006

The Ark, 18 Park Lane, Earls Colne, Essex CO6 2RJ

- 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 & Mrs Harjinder Prior against the decision of Braintree District Council.
 - The application Ref 19/01706/HH, dated 16 September 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as 'Boundary Wall/trellis. Brick wall is one metre (permitted height) and approx 11.8mtres long and we would like 20" (0.5 metre trellis/fence) high on top of the permitted metre high'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the appeal form in the interests of precision and brevity. The appeal site was visited on an unaccompanied basis and viewed from publicly accessible land.
3. The submitted drawings detail a 11.85 metre (m) long frontage boundary feature which would encompass a 1m high brick wall (already constructed) with a 0.5m trellis above. They also show a wooden fence 4.86m long between the front boundary wall and the house and a 1m high wall directly in front of the house formed from brick and trellis. The submissions before me suggests that it is only the 11.85m section of wall/trellis that is the development requiring planning permission, as it would be over 1m in height and adjacent to the highway. This is what the Council has considered, and I have done the same.

Main Issue

4. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Earls Colne Conservation Area (CA).

Reasons

5. I have not been directed to any relevant conservation area appraisal, but I nevertheless observed that the CA is focussed on the High Street and the streets that radiate out from this thoroughfare. These streets are broadly lined and framed by a rich collection of historic buildings from various periods. The properties along the High Street are positioned tight to the edge of the road

but the urban grain becomes more spacious in the residential side streets such as York Road, Foundry Lane and Park Lane, where the buildings are generally set behind front gardens. These front gardens are often delineated from the public realm by low red brick walls, soft landscaping in the form of hedges and shrubs or a combination of the two. This provides harmony to the street scenes. Thus, the CA derives some of its significance from the layout of buildings and the frontage boundary treatment used.

6. The appeal property is positioned in Park Lane behind a front garden in a way typical of the street. Many of the front gardens along Park Lane are delineated from the public realm by hedges and this affords the street a pleasant verdant character. That said, this is not universal as there are some examples of front boundary walls constructed from red brick. The appellant has highlighted a particularly attractive example of a red brick wall directly adjacent to the road near to the junction of Park Lane and Foundry Lane.
7. The 11.85m section of wall has been constructed in a red brick laid in an historic bond and finished at a consistent height. It is simple and unornate in appearance and is devoid of modern movement joints. For these reasons, the brick wall harmonises with others in the CA. The low height of the wall would allow landscaping, if planted and allowed to mature, to be seen and thus contribute to the verdant character of the street. The low height also ensures the openness of the street scene is not harmfully interrupted. Thus, the 11.85m section of red brick wall as currently constructed preserves the character and appearance of the CA.
8. However, the construction of a wooden trellis above the wall would be a fussy, inelegant and jarring addition that would diminish the quality of the wall as it currently stands. The combination of a brick wall and wooden trellis is not a common boundary treatment in the CA and the combined height of 1.5m would result in it being a stark and discordant addition in the street scene.
9. The wall directly in front of the house includes an element of wooden trellis. However, this is set lower than the proposed trellis and therefore it does not have the same effect on the street scene as the proposed section of trellis would. The 'mish-mash' of timber fencing in Hayhouse Road is not characteristic of frontage boundary treatment in the CA and therefore should not be used as a template for future proposals.
10. Therefore, in conclusion, the addition of the trellis would result in a boundary feature that would harm the character and appearance of the CA. This would be contrary to Policy CS9 of the Braintree District Local Development Framework Core Strategy 2011 and Policies RLP90 and RLP95 of the Braintree District Local Plan Review 2005, which seek to protect the historic environment and secure development that respects and responds to the local context and preserves or enhances the character or appearance of a CA.

Other Matters

11. The policies listed above are old, but they are broadly consistent with Paragraphs 184 and 185 of the National Planning Policy Framework (the 'Framework'), which seeks to secure a positive conservation strategy that conserves the significance of heritage assets such as conservation areas. As such, the conflict with Policies CS9, RLP90 and RLP95 carries significant weight. That said, they do not set out the balanced approach in the Framework.

12. The harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. As a material consideration, Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The Framework also states that great weight should be given to a designated heritage asset's conservation.
13. The trellis would enclose the garden and provide a barrier tall enough to prevent the appellants' dog from jumping into the road. However, the appeal property benefits from a large garden and consequently there are likely to be other alternatives to securing the garden, such as the retention of a fence to the side of the house. As such, if this is to be considered a public benefit, it would be one of very limited weight in favour of the proposal.
14. Thus, when giving considerable importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA¹, I find that the harm that would arise from the appeal scheme would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification. This does not indicate the proposals should be determined otherwise than in accordance with the development plan.

Conclusion

15. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

¹ See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990