
Appeal Decision

Site visit made on 8 June 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/M1595/W/20/3247069
65 Welling Road, Orsett RM16 3DW

- 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 Ray Heaton against the decision of Thurrock Borough Council.
 - The application Ref 19/01747/FUL, dated 19 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is described as "*Change of use of amenity land adjacent to property to incorporate land into back garden. Erect new concrete post and timber panel fence along property boundary*".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of amenity land adjacent to property to incorporate land into back garden and erection of a new concrete post and timber panel fence along property boundary at 65 Welling Road, Orsett RM16 3DW in accordance with the application Ref 19/01747/FUL dated 19 December 2019, subject to the following condition: -

The development hereby permitted shall be implemented in accordance with the following approved plans: Drawing Nos 65WR-50 Version 1 Sheet 1 of 2 and 65WR-50 Version 1 Sheet 2 of 29.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form, although I note this is expressed differently on other documents.
3. The appellant indicates that the development as applied for has been implemented. I was able to view a fence in place at the time of my site visit. Whilst I have no reason to doubt that the development has been undertaken in accordance with the submitted plans, for the purposes of clarity I have considered the appeal on the basis of the proposed plans that supported the planning application that are now the subject of this appeal.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. This residential estate hosts properties with open garden frontages, although some frontages have been enclosed by low hedges, fences or walls. There are other areas of grass and vegetated verges where boundaries are set back from the public highway. This creates a sense of openness that contributes to the character and visual appearance of the streetscenes within the estate. Notwithstanding this, I also observed a number of examples along Welling Road where tall fences abut the highway and that enclose the private gardens of properties that side onto the highway. Therefore, although the open frontages and vegetated verges contribute to the openness of the estate, it is not a defining characteristic of it.
6. Enclosing the frontage of the appeal site with a low fence would not be significantly out of keeping within this part of the estate and has not substantially undermined any sense of openness.
7. The proposal encloses an area of open space adjacent to the appeal property and its rear garden. When it was open land it would have been visible in the localised environs of the appeal site and to those using the adjacent footpath. This open space to the side of the appeal property would have made some contribution to the openness and landscaped appearance of the area. However, in the context of the overall estate this visual contribution would have been extremely limited.
8. I saw that the rear gardens of both properties that abut the footway on the opposite side of the appeal site are enclosed by a tall wall and fence. The appeal proposal fence abuts the footway in a similar way and would not appear out of keeping in the context of the footpath passageway. Furthermore, the fence is set back from the appeal site frontage and would not compromise the visual appearance of the open frontages within this part of the estate. I, therefore, do not consider the tall fence would be substantially visually intrusive, noting that there are other examples where tall boundaries are visually apparent adjacent to highways within the context of the wider estate.
9. It has been suggested that the landscape strip to the side of the appeal property is similar to that of other such strips in the area. However, I have not been directed to any specific examples by the Council. I have also been directed to a recent appeal decision at 16 Rowley Road, Orsett and have been provided with a quoted section from that appeal decision. That proposal related to a property adjacent to a vehicular highway and at a location where the open nature of the estate is quite different in layout, as well as character and appearance, to that of the appeal site and estate that is before me. I, therefore, consider this proposal can and should be considered on its own merits.
10. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal would not, therefore, conflict with Policies CSTP22 and PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) 2015, the Thurrock Design Guide: Residential Alterations and Extensions 2017 and the provisions of the National Planning Policy Framework (the Framework) that promote high quality design and seek, amongst other matters, development to respond positively to local context.

Conditions

11. I have considered what planning conditions may be necessary in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. Given the development has already taken place there is no need to impose the standard time limit condition for implementation in this instance. Although a fence has been erected at the appeal site, I cannot be certain that the development has taken place in full accordance with the plans. In such circumstances and in the interests of certainty it is appropriate to impose a condition that requires the development to be implemented in accordance with the approved plans.

Conclusion

12. It is appreciated that pre-application advice was sought in this case. However, having regard to the above findings, the appeal should be allowed.

Nicola Davies

INSPECTOR