
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/20/3245708

37 Sanderling Close, East Tilbury RM18 8FF

- 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 Dr Abdul Basit against the decision of Thurrock Borough Council.
 - The application Ref 19/01642/FUL, dated 31 October 2019, was refused by notice dated 30 December 2019.
 - The development proposed is described as "*remove existing 1.8m high fence, install new fence just within border*".
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Decision

1. The appeal is dismissed.

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 taken place. 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.
4. The appellant has submitted two revised option plans with the appeal. These revisions would materially alter the proposal. Therefore, in the interests of natural justice and fairness to all parties I have dealt with the appeal on the basis of the scheme and drawings that were considered and determined by the Council and on which interested parties views were sought. If the appellant wishes to pursue a revised scheme, a fresh planning application could be made to the Council.

Main Issue

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

Reasons

6. This recently constructed residential estate is characterised by its openness. There are open grass areas within the estate and open grass verges where properties side onto a highway. Property frontages are also open and free

from enclosures. This creates a distinctiveness to the character of this estate and the openness makes a significant contribution to the visual appearance of the streetscenes giving the estate a sense of place.

7. Enclosing this land has removed the open character to this part of the estate and this is a diminution of its open character. I did not see any other examples within the estate where this has taken place and I have not been directed to any other examples. Furthermore, the fence is a highly visible feature that appears as a discordant projection into the openness of the streetscene, especially when viewed along Sanderling Close east of the appeal site. Consequently, the proposal is wholly out of keeping and is harmful to the character and appearance of the locality and the wider estate.
8. I appreciate that the land relating to this appeal is within the appellant's ownership and that the exposed gas and electricity meters at the side of the property pose a fire risk if a vehicle were to collide with them. I also note that the Council's highway adviser has not objected to the proposal. Although the proposal would reduce fire risk, these matters do not overcome my concerns relating to visual harm nor would they justify the proposed development.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies CSTP22 and PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015 and the Thurrock Design Guide: Residential Alterations and Extensions Supplementary Planning Document (SPD) 2017. These policies and SPD seek, amongst other matters, development to contribute positively to the character of the area in which it is proposed and be founded on a thorough understanding of, and positively respond to, the local context.

Conclusion

10. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR