
Appeal Decision

Site visit made on 21 July 2020 by Emma Worby BSc (Hons) MSc

Decision by Alex Hutson MRTPI CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/M1595/D/20/3244605

Tall Trees, 106 Lodge Lane, Grays RM16 2UL

- 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 Nicky Harris against the decision of Thurrock Borough Council.
 - The application Ref 19/01254/HHA, dated 14 August 2019, was refused by notice dated 23 October 2019.
 - The development is a wall to the front perimeter of the property with a sliding electric gate, a pedestrian gate and a small iron infill to secure the property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively, and I saw at my site visit that the front boundary wall had already been erected. However, the proposal also includes a sliding gate and a pedestrian gate which, at the time of the site visit, had not yet been constructed. I have therefore considered the appeal on a part retrospective basis.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on pedestrian and highway safety.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is occupied by a two-storey detached dwelling which is set back from the road with a large driveway/parking area to the front. There is a rendered wall with associated pillars along a substantial proportion of the front boundary of the appeal site, which is partly the subject of this appeal. The

appeal also relates to a proposed sliding electric gate on the front boundary to provide vehicular access and a gate for pedestrian access. The appeal site is located on a small access road off Lodge Lane and is within a residential area comprised of mainly large detached dwellings which are similarly set back from the road with large frontages.

6. I acknowledge that the boundary wall may be a similar height to some other front boundary treatments within the area and that it has been rendered to match the finish of the host dwelling. I also acknowledge that the Council raises no particular concerns in respect of the proposed vehicular and pedestrian access gates. However, the large pillars and rendered finish of the wall give it an overly bulky and prominent appearance within the streetscene. This is exacerbated by the expansive width of the wall, due to the large frontage of the site, which adds to its visual dominance.
7. Some examples of other boundary treatments on Lodge Lane have been provided by the appellant. However, Nos 124 and 126 have timber fences which although are similar in height, are softer in appearance and less bulky and dominant than the development before me. Render is used for the boundary treatment at No 122, but this wall is significantly smaller in width and height than the wall under consideration in this appeal and therefore has less impact on the overall streetscene. Therefore, I consider that the development, overall, would not be in keeping with the boundary treatments of other properties in the surrounding area, which largely comprise timber fences, small brick walls or metal railings that are less intrusive in appearance.
8. For the reasons above, I thus consider that the development would be harmful to the character and appearance of the area, notwithstanding that it is not subject to any particular landscape or heritage designations. The development would therefore be contrary to Policies CSTP22 and PMD2 of the Thurrock Council Core Strategy and Policies for Management of Development 2015 (Core Strategy). The relevant parts of these policies seek to promote high quality design which contributes positively to the character of the area. It would also be contrary to the general design principles within the National Planning Policy Framework.

Highway Safety

9. Access from the site is onto a smaller service road, rather than Lodge Lane, where there is a limited traffic flow and vehicles travelling at slow speeds. Although collisions with other vehicles may be unlikely for these reasons, due to the height of the wall, its impermeable nature and its proximity to the public footway, vehicle users exiting the property would be unlikely to adequately see pedestrians approaching the entrance, particularly from the east. Even though cars would exit the property in forward gear and there may be limited daily movements, this would pose an unacceptable risk to pedestrian safety.
10. The appellant has highlighted data from the document 'Manual for Streets' which indicates that in low speed areas there were very few accidents involving vehicles turning into and out of driveways. However, this does not take into account the circumstance of this particular site, including the reduction in visibility resulting from the development compared with the situation prior to the erection of the wall and therefore this data is not directly comparable to the appeal site. Regular users of Lodge Lane may be aware of the existing access and the potential for cars exiting the property. However, this would not be the

case for all users of the highway and could not be relied upon to ensure highway safety is maintained.

11. Subsequently, the development would result in harm to pedestrian safety and would therefore conflict with Policies CSTEP22 and PMD2 of the Core Strategy. The relevant parts of these policies require that new development must be safe and secure in its design, creating a safe environment and contributing to community safety.

Other Matters

12. In reaching my decision I have had full regard to the personal circumstances of the appellant and his desire to improve safety and security at his property. However, whilst I am sympathetic to these circumstances, the harm I have identified to the character and appearance of the area and to highway safety would not be outweighed by these considerations. Moreover, it is likely that the appellant could improve safety and security to his property in a manner more sensitive to the character and appearance of the area and highway safety. As such, I consider that a decision to dismiss the appeal would not interfere with the appellant's right to a private and family life and it would not constitute a breach of Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.
13. Whilst there have been no objections to the proposal from the occupiers of neighbouring dwellings, this does not indicate that the appeal should automatically be allowed.

Conclusions and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Alex Hutson

INSPECTOR