



Appeal Decision

Site visit made on 28 October 2020

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/H1515/W/20/3255184
121 Priests Lane, Shenfield CM15 8HJ

- 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 Valerie Patterson against the decision of Brentwood Borough Council.
 - The application Ref 20/00126/FUL, dated 28 January 2020, was refused by notice dated 20 April 2020.
 - The development proposed is described as 'erection of a 6ft high electric gate and to have a 2ft high wall with 7-8 panels of railings at the end of our driveway acting as the boundary ...'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new boundary wall with 1.2 metre high brick piers and brick wall/railings and new central access set back from the highway with electronic gates at 121 Priests Lane, Shenfield CM15 8HJ in accordance with the terms of the application, Ref 20/00126/FUL, dated 28 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the details shown on drawing Project 188 Sheet 02 Revision A.

Procedural matters

2. The appellant has submitted amended drawing (Project 188 Sheet 02 Revision B) with the appeal. The amendments shown on that drawing seek to overcome the concerns raised by the Council in its reason for refusal. However, the appeal process is not intended to be used to evolve a proposal and on appeal what is considered by an Inspector should essentially be what was considered by the local planning authority¹, with there being potential for amended planning applications to be submitted to Councils for a fresh decision to be made. I have therefore determined this appeal on the basis of the proposal that the Council considered.
3. The description of development used by the Council in its decision notice differs from that used by the appellant on the application form, with the latter not being entirely consistent with what is shown on drawing Project 188

¹ Paragraph M.2.1 in Annexe M of the Procedural Guide Planning appeals – England July 2020 (and preceding versions) published by the Planning Inspectorate

Sheet 02 Revision A and containing superfluous text. In my formal decision above I have therefore used the description of development used by the Council, albeit I have not made reference to the removal of the front boundary hedge because that of itself does not amount to development.

Main Issue

4. The main issue is the effect of the development on the character and appearance of Priests Lane.

Reasons

5. 121 Priests Lane (No 121) is a relatively wide house, which has an extensive front drive/parking forecourt area, served by two entry/exit points. The front boundary of No 121 is currently marked by a low hedge and it is proposed that would be removed and replaced by a new enclosure comprising a brick wall with railings above, which would have a combined height of 1.2 metres. It is further proposed that a four metre wide, centrally located access, enclosed by a sliding gate that would be of the same height as the new wall and railings, would replace the existing entry/exit points.
6. The front boundaries of the properties on both sides of Priests Lane are marked by a mixture of hedges, low walls and timber fences. There are also some properties with little or no physical front boundary demarcation. The prevalence of front boundary hedges and other planting within front gardens gives the frontages of the properties in Priests Lane a quite verdant appearance. Nevertheless, this street is within a built up area and I am of the view that installation of the proposed wall and railings would not result in an urbanising effect or an uncharacteristic sense of formality. I therefore consider that the proposed development would be compatible with Priests Lane's streetscene. While the Council has referred to the potential for the proposed development to set a precedent for similar proposals in Priests Lane, each proposal must be considered on its own merits and that is what I have done.
7. I therefore conclude that the proposed development would not be harmful to the character and appearance of Priests Lane. I therefore consider that the development would accord with Policy CP1 of the Brentwood Replacement Local Plan of 2005 and section 12 'Achieving well-designed places' of the National Planning Policy Framework of 2019 because it would be of a standard of design that would be compatible with the character and appearance of its surroundings.

Conditions

8. The Council has suggested the imposition of ten conditions, seven of which have been recommended by the highway authority. Of the three planning themed suggested conditions I consider it appropriate to impose conditions relating to the three year period for the implementation of the development and the undertaking of the works in accordance with the details shown on drawing Project 188 Sheet 02 Revision A (the plans condition), the latter condition being imposed for reasons of certainty. I consider it would be inappropriate to impose a condition requiring the development to be constructed with materials to match those of the house at No 121. That is

because the house has a white render finish and that would be inconsistent with the details shown on the previously mentioned drawing.

9. With respect to the suggested highways themed conditions I consider that the proposed development is not of a scale that would warrant the submission and approval of a construction method statement addressing matters such as the parking of contractors vehicles, the storage of plant and materials or the washing of construction vehicles. I consider the second and fifth of the highway themed conditions to be unnecessary because they would replicate the requirements of the plans condition. I consider there to be no need to impose a condition requiring the closure of the existing entry/exit points because the ability to use them would be extinguished through the installation of the proposed wall and railings.
10. The fourth of the suggested conditions (proximity of the construction works to the public highway) concerns a matter controlled by 'other legislation' and it would therefore be inappropriate to impose a planning condition relating to it. I consider the sixth (surface treatment of the access) and seventh (discharge of water onto the highway) of the suggested conditions to be unnecessary because the existing drive/forecourt area has a gravel surface and the depositing of loose material or surface water onto the highway are matters that can be controlled under the highways legislation.

Conclusion

11. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR