

Appeal Decision

Site visit made on 15 December 2020

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/W1525/D/20/3263221

176 Watchhouse Road, Galleywood, Chelmsford CM2 8NF

- 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 Maneesh Varma against the decision of Chelmsford City Council.
 - The application Ref 20/00971/FUL, dated 28 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the installation of a 2m fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form includes a fairly extensive justification for the proposal. Whilst I have taken this into account, it goes beyond a description of the proposed act of development. The description in the heading above is, therefore, taken from the decision notice.
3. Following the Council's determination of the application, the appellant proposed amendments to the scheme. However, my decision must be based on the scheme determined by the Council.

Main Issues

4. The main issues in this case are the effects of the proposal on:
 - the character and appearance of the area;
 - highway safety.

Reasons

Character and appearance

5. The appeal property sits at the junction of Watchhouse Road and Arnold Way so that the side of the property helps to form the entrance to Arnold Way. A greensward separates the flank wall of the house and the boundary wall from the footpath. The property on the opposite side of Arnold Way has a similar arrangement, albeit that part of the greensward is taken up by an extension to the dwelling. Nevertheless, together the properties create an open, verdant and attractive entrance into Arnold Way.
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6. The proposed fence would be positioned close to the back edge of the footpath; it would start roughly half way along the flank wall of the property and extend to the rear boundary line. As such, it would be very prominent in the street scene and would enclose the largest part of the greensward, replacing it with an uninterrupted line of close-boarded timber panels.
7. The appellant argues that the fence would be positioned to achieve symmetry with the front of the extension to the dwelling opposite. Nevertheless, this would not prevent the fence from significantly diminishing the openness and greenness of the entrance to Arnold Way. Consequently, the proposal would be harmful to the character and appearance of the area and would conflict with Policy DM23 of the Chelmsford Local Plan 2020. This policy requires proposals to respect the character and appearance of the area and be compatible with its surroundings in terms of scale, site and form among other things. Nor would the proposal accord with paragraphs 127 or 130 of the National Planning Policy Framework (the Framework) insofar as they have similar aims.
8. The first reason for refusal also cites Policy DM29. However, this policy deals with the living conditions of residential occupiers. There is no substantive evidence to show that the proposal would be harmful in this regard.

Highway safety

9. The Council considers that the proposed fence would impede the forward visibility of drivers turning left into Arnold Way from Watchouse Road. However, I saw on the site visit that, due to the siting of the fence half way back along the flank wall of the appeal property, it would not obstruct the visibility of drivers to a significantly greater extent than the front corner of the existing dwelling.
10. The Council also considers that the fence would obstruct the sight line for drivers looking right from the access at 1 Arnold Way. However, that view is currently curtailed by established planting in the front garden of 1 Arnold Way and the greensward of the appeal property as well as, at the time of my site visit, parked cars. Consequently, I consider that the proposed fence would not further impede the view of drivers using the access at 1 Arnold Way.
11. Therefore, I conclude that the proposal would not have a harmful effect on highway safety. As such, it would not conflict with Framework paragraph 109 which presumes against development that would have an unacceptable impact on highway safety.

Other Matters

12. The appellant advises that the greensward is subject to anti-social behaviour and that it allows trespassers to look into the side window of the house. The larger ground floor side window of the property is currently partly screened by planting which should limit overlooking. The smaller side window appears to serve a secondary space and is obscure glazed.
13. Other measures are available, including further planting of the greensward, to further reduce opportunities for overlooking and anti-social behaviour. Consequently, I consider that these matters do not outweigh the harm that the proposed fence would cause to the character and appearance of the area.

Conclusion

14. Whilst I have found that the proposal would not be detrimental to highway safety neither that, or the other matters raised by the appellant, overcome my concern regarding its harm to the character and appearance of the area. For that reason, the appeal should be dismissed.

Simon Warder

INSPECTOR