



Appeal Decision

Site visit made on 25 March 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9th April 2021

Appeal Ref: APP/M1595/W/20/3259223

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 Professor Tehmina Basit against the decision of Thurrock Borough Council.
 - The application Ref 20/00848/FUL, dated 7 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is described on the appeal form as: *'This is an appeal for a decision on a retrospective planning application for change of use of freehold land from landscape setting to residential curtilage and erection of 1.8 meter high fence on the side of the back garden'* (sic).
 - The Local Planning Authority's Decision Notice describes the proposal as: *'Change of use from landscape setting to residential curtilage and erection of 1.8m high fence.'*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original description for what permission is sought for provided on the application form was four paragraphs long and contained various information beyond a description of the development. It is clear from the evidence submitted that the main parties have presented their cases on the basis that permission is sought for a *'Change of use from landscape setting to residential curtilage and erection of 1.8m high fence.'* I have therefore proceeded on this basis.
3. An earlier permission (ref 19/01642/FUL) was refused and dismissed on the appeal site. The full details of that scheme are not before me. Nonetheless, I understand that the present proposal has sought to address the issues of that scheme by reducing the area of land to be enclosed by the fence.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a detached two storey house located on a corner plot. It lies within a larger residential development which is broadly characterised by an open planned appearance. There are generally open front gardens and vehicle parking areas to the front or side of dwellings. In

particular, I saw that during my site inspection that dwellings situated on corner plots such as the appeal site and those found at Turnstone Close and Sandpiper Close benefit from landscaped areas to their front and side elevations.

6. The only exception to this pattern within the locality I could see was at a corner plot on Sandpiper Close, where the side area had been paved and a concrete posted close boarded fence has been erected adjacent to the pavement at No 41. I am not aware of how that situation arose, nor what permissions were forthcoming to enable that to occur and the main parties have not brought any such information to my attention. Nevertheless, I have considered the appeal proposal on the basis of the evidence before me and for what is sought at the appeal site.
7. Besides this limited example above, in the main the landscaped areas on corner plots are generally free from enclosure and where in limited cases this occurs it is in the form of low hedges, bushes or timber planting boxes. The visual result of this is an open uniqueness to the character of the area and the wider development creating a distinct sense of place.
8. Permission is sought for a change of use of the land from a landscaped area and the erection of a 1.8 metre close boarded fence that is situated off the corner of the rear wall and encloses an area up to the boundary with No. 35 Sanderling Close (to the rear of the appeal building). The close boarded fence is a visually impenetrable barrier which not only encloses part of the open landscaped area to the side of the appeal building, but also erodes the open character of this part of the residential estate. If permitted, it would introduce a visually jarring addition to the open and spacious character of the area that is at odds with the prevailing pattern of development in this locality.
9. I note the Appellant's point that the land is considered to be in their ownership, and they have had issues with littering on this piece of land. Nevertheless this does not provide justification for the harm to the character and appearance of the area I have identified.
10. Consequently, I find that the fence is out of keeping and harmful to the character and appearance of the area. I therefore find that the development would be contrary to policies CSTP22 and PMD2 of the adopted *Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) 2015*, and as supported by the *Thurrock Design Guide; Residential Alterations & Extensions SPD July 2017*, which, amongst other aims, seek to ensure that proposals demonstrate high quality design founded on a thorough understanding of and positive response to the local context.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR