

Appeal Decision

Site visit made on 27 August 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref. APP/J1535/D/21/3270861

Holly End, 29 Holly Close, Buckhurst Hill IG9 6HT

- 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 Anthony Mensah against the decision of Epping Forest District Council.
 - The application ref. PL/EPF/2447/20, dated 18 September 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described on the application form as *"The erection of a timber (security) fence above the existing brickwork boundary wall separating (sic) 29 Holly Close with the highway (Buckhurst Way)."*
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Decision

1. The appeal is dismissed.

Procedural matters

2. In July 2021, after the submission of this appeal, a new version of the National Planning Policy Framework (the Framework) was published, replacing the 2019 edition. I have had regard to this document, but it is evident that the substance of the Framework, as it relates to the sole main issue in this case, has not changed. In such circumstances, I am satisfied that there is no requirement to seek the views of the parties on the revised Framework, and that in taking such an approach no prejudice to any party would arise.
 3. The plan numbered 29-HC-BF-03 is not listed on the Council's decision notice. However, since it was listed at section 10 of the application form and submitted with the Council's questionnaire and essentially presents a photographic representation of what is drawn on the plan numbered 29/HC/BF-02, I have had regard to it.
 4. The application was submitted retrospectively based on the details provided at section 3 of the application form. I saw on my site visit that fencing (ranging from about 0.78 m high, at its end closest to Holly Close, to about 0.98 m high) had been erected on top of a section of the side boundary wall. The fencing may have spread across a greater length of that wall at the time of the application according to the plan numbered 29-HC-BF-03. For the avoidance of doubt, I have confined myself to the consideration of the proposal as described in the application, rather than as erected on site at any particular point in time.
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Main issue

5. The main issue is the impact of the proposed development upon the character and appearance of the Buckhurst Way street scene and the wider area.

Reasons

6. Holly End is a terraced house standing in a residential area on a corner plot at the junction between Holly Close and Buckhurst Way. Its gable end faces the latter road. A long brick boundary wall separates the side garden and most of the rear garden at the appeal property from the footway along Buckhurst Way. The wall has a stepped profile, reflecting the gradient of the road, and is about 2 m high (above footway level) along its length. The fencing would be erected directly above the wall and range in height from 0.5 m at its end closest to Holly Close to 1 m high at the opposite end next to the vehicular gates.
7. The provision of boundary treatment along such frontages is rarely unacceptable in principle. However, even though the timber fencing would be linear and slender in profile, it would be placed directly above the face of the brick boundary wall which is already 2 m high. This combination would produce a long and tall boundary treatment in a very prominent roadside location and would not result in a positive visual contribution to the street scene. The fencing would create a harsher and more enclosed and imposing frontage and amount to an incongruously intrusive feature within the area.
8. The height, form and appearance of the proposed boundary treatment should be assessed primarily in relation to other similarly located frontages along Buckhurst Way and not against the inevitably larger residential buildings themselves. In this regard, the development would unfavourably contrast with both of the 2 long adjacent frontages along Buckhurst Way it would be seen with, these being at 2 Walnut Way where there is largely a fence with evergreen bushes growing over and 1 Holly Close where there is just a brick wall about 2 m high. Viewed as a whole, I consider that the proposed changes would not represent a visually attractive solution that would add to the overall quality of this area. Rather, the boundary alterations would fail to complement or enhance the character and appearance of the Buckhurst Way street scene and the wider setting of the site.
9. Staining the wood or allowing for the longer-term processes of weathering and maintenance to take effect would have little impact on ameliorating the harm to the character and appearance of the area. The improvement of security at a residential property is capable of being an important material consideration but I have found no reference to the particular security concerns this fencing is aimed at. I can only attach very limited weight to this matter in such circumstances.
10. I therefore find on the main issue that the proposed development would have an adverse impact upon the character and appearance of the Buckhurst Way street scene and the wider area. As the development would involve an unacceptable alteration at a residential building, there would be conflict with the broad thrust of Policy DBE10 of the adopted Epping Forest District Local Plan and Policy DM 10 of the emerging Epping Forest District Local Plan Submission Version December 2017 which cover extensions and alterations at residential buildings.

11. There would also be a failure to adhere to the overarching design themes of the Framework insofar as they relate to achieving well-designed places. The scheme may fulfil the social dimension of sustainable development as set out in the Framework if it enhances the security at the property and offer a limited economic benefit to the building trade, but the environmental dimension would not be fostered given the harm I have found under the main issue.
12. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, including the absence of objections from Buckhurst Hill Parish Council, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR