
Appeal Decision

Site visit made on 5 October 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021.

Appeal Ref: APP/C1570/D/21/3276712
2 Nursery Rise, Great Dunmow CM6 1XW.

- 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 Graham Pointer against the decision of Uttlesford District Council.
 - The application UTT/21/0184/HHF, dated 20 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is construction of fencing with gate on boundary to Lukins Drive allowing storage of refuse bins close to collection point.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). The new policies in the revised Framework have not brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new document.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surroundings on Lukins Drive.

Reasons

4. The appeal site forms the corner plot on the junction of Lukins Drive and Nursery Rise with the intended site of the fenced enclosure being on the side elevation to the property along the north side of Lukins Drive. The two roads are part of a modern residential estate of 2 storey, mainly detached houses constructed in brick and render with timber cladding details. The character of the frontages along the roads is a generally open one with front boundaries either completely open or marked by hedging and low wooden palings or metal railings. Only where a rear garden boundary runs parallel to the street, as is the case with No 2 Nursery Rise and No 9 Lukins Drive, for example, is the boundary screened by a higher brick-built wall to maintain privacy. The garden wall height at No 2 is reportedly 1.77 metres.
5. The verge between the back of footpath and the garden and house wall of No 2 is currently well-landscaped with a semi-mature silver birch and established hedging shrubs to the east of the rear garden gate and a more informal planting mix to the west of the gate. The proposal would see shrubs and planting removed east and west of the existing gate and replaced with a

1.9 metre high fenced and gated enclosure of close-boarded panels to accommodate refuse bins extending out to the back of footpath line. It is proposed that the silver birch would remain.

6. The proposed close-boarded fence would be higher than any other fence in the immediate vicinity positioned along the back of footpath line. I noted at the site visit that even where boundary walls line along the street to screen gardens they are set back slightly from the footpath and the verge landscaped, as with No 2 Nursery Rise and No 9 Lukins Drive. In any event the height of the fence would even exceed the height of these walls screening rear gardens. The resulting effect, because of the height and positioning of the fenced enclosure, even over what is a relatively short stretch of the boundary would be dominating and intrusive in the street scene, particularly in views in both directions along Lukins Drive. Although I have been invited to conclude that the fencing would be consistent with boundaries elsewhere, in particular the fencing and walling adjacent, because of its height and positioning this would not be the case. Moreover, the removal of planting and shrub hedging, which is the stated intention on the submitted plans, would impact on the generally green character of the estate and would create a hard appearance to this part of the street scene.
7. It has been put to me that the appellant needs to move the bins out of the rear garden to make a safe play space for children but I am unpersuaded that an enclosure within the garden could not have achieved the same objective. I have also been invited to conclude that the enclosure would improve the appearance over the current arrangement of having bins on the street. However, from my observations of the estate where no other refuse bins were in evidence it appears that it was never a need or intention that bins should be left outside of private plots. Notwithstanding the appellant's stated aim of creating safe play space, for the reasons above, the removal of green planting and erection of a hard fence along the back of the footpath would not result in an improvement to the street scene.
8. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Although the decision notice refers to Policy S3 of the *Uttlesford Local Plan 2005* (ULP) it would appear to be Policy S1 that should relate to development within Great Dunmow. However, in any event both policies, despite their age, remain consistent with the Framework in requiring development within the settlement boundaries to be compatible with the settlement character. In addition, ULP Policy GEN2 in requiring development to be compatible with the scale, form, layout and appearance and materials of its surroundings amongst other things is also consistent in that respect with the Framework. For the above reasons i.e. principally the positioning, height and materials of the fenced enclosure, the proposal would have an unacceptable impact on the established character and appearance of Lukins Drive.

Other Matters

9. I understand the appellant's wish to make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As stated above, I am not persuaded that the appellant's objective to secure a safe garden environment could not have

been achieved in a different way. As such, sustainable and effective use of the dwelling to create a bin enclosure outside of the rear garden area would not therefore outweigh the harm to the character and appearance of Lukins Drive as a result of the proposal.

Conclusion

10. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR