



Appeal Decision

Site Visit made on 25 October 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2021

Appeal Ref: APP/Z1510/D/20/3247060

72 Little Yeldham Road, Little Yeldham, Essex CO9 4LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Jennings against the decision of Braintree District Council.
 - The application Ref: 19/01657, dated 9 September 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the installation of new driveway access and fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 1 of the new Braintree District Local Plan 2013-2033 Section 1 (LPS1), which has been adopted since the Council's decision, replaces in part a number of strategic policies in the Braintree District Core Strategy (CS). Section 2 of the emerging new Braintree District Local Plan 2013-2033 is yet to be finalised and adopted. As such, for the purposes of this decision, the development plan comprises the LPS1, current CS policies and the Braintree District Local Plan Review (LPR). The new National Planning Policy Framework (the Framework), which was published in July 2021, and the LPS1 echo and reinforce policy relevant to the main issues in this case. I shall determine the appeal on this basis.
3. It appears that the driveway access and fencing, for which planning permission has retrospectively been applied, have been constructed.

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 dwelling and its garden areas. It is one of several dwellings that are located in a dispersed pattern along a stretch of Little Yeldham Road, between the villages of Great Yeldham and Little Yeldham. The site is bounded on three sides by open fields, with fields also across the road to the south-east.
6. As such, the local area has a rural character. Within this countryside context, residential front boundaries facing onto Little Yeldham Road typically comprise hedging, and are predominantly verdant. Front boundary fencing is relatively

limited in occurrence, height and solidity. Where it does occur it is typically low, for example picket or post and rail fencing, and commonly combined with hedging. Furthermore, deciduous roadside rural hedging is a noticeably distinctive characteristic along the stretch of road to the north-east of the appeal property.

7. A black painted, horizontally boarded timber fence approximately 1.8m high has been erected along much of the appeal property's front boundary. It fronts onto a strip of approximately 2.4m wide verge along Little Yeldham Road.
8. The solidity, height, expanse, style and prominence of the front fence together result in it standing out as a visually harsh and incongruous vertical hard landscape element of the appeal proposal, in the countryside context.
9. Given its prominence on a relatively straight stretch of rural road, the fence reads as the boundary between the highway and the appeal property, adjacent to a highway used by vehicular traffic. As such, whether such a fence alone, in this location would be permitted development is open to question, which limits the weight this assertion carries.
10. Furthermore, no planting scheme is before me, and I have no certainty that planting in proximity to this solid timber fence would resist potential future pressure to significantly reduce or remove it, for the purposes of driver visibility or fence maintenance. Therefore, planting is not a demonstrably reliable remedy to the visual harshness that results from the front fence element of the appeal proposal.
11. I therefore conclude that the proposal does not articulate a sympathetic design approach to its countryside setting, and harms the character and appearance of the area. As such, it conflicts with Policy CS5 of the CS, Policy RLP90 of the LPR and Policy SP7 of the LPS1, which together seek to ensure that development complements local character and distinctiveness.
12. Policies RLP2 and RLP18 of the LPR focus on matters other than character and appearance effects of the type of development proposal in this case, and so are not engaged in respect of this main issue.

Other Matters

13. The appeal proposal provides more convenient vehicular access to the site, with associated safety benefit, and, in the form of the fence, some privacy for the dwelling. However, the benefit is limited in scale and does not outweigh the identified harm.

Conclusion

14. The appeal proposal is contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR