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# Appeal Decision

Site visit made on 2 November 2021

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 November 2021**

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**Appeal Ref: APP/X1545/D/21/3270798**

**53 The Leas, Burnham-on-Crouch, Essex CM0 8NH**

- 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 Mrs Carole Terry against the decision of Maldon District Council.
  - The application Ref HOUSE/MAL/20/00161 was refused by notice dated 16 February 2021.
  - The development proposed is to erect a fence around the garden boundary of the property
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider the main issue to be the effect of the development on the character and appearance of the existing site and surrounding area.

## Reasons

3. The appeal property is an end of terrace dwelling which lies on a corner plot adjacent to an amenity space in a primarily residential area. The area is characterised by dwellings of similar scale and design. A number of the dwellings surround the amenity space, which is a focal point of this group of dwellings. Many front gardens have low fences on their boundaries, and end of terrace dwellings predominantly have red brick walls alongside the rear gardens.
  4. The fence is already constructed. It is a 1.8 metre high close boarded fence. It is positioned on the edge of the side boundary of this corner premises and includes a small section of fence across to the front of the dwelling. Fences of this height and length are not a characteristic in this part of the streetscene. I note that a side brick wall has been removed and the fence has extended the enclosed rear garden to include the previously open area.
  5. The appeal property is on a prominent corner location with the full extent of the side fence visible from many properties surrounding the amenity area. From my observations, in this prominent position, due to its length, height, design and location it appears as an unacceptable and incongruous addition to
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the streetscene, not in keeping with the character and appearance of the existing site and surrounding area. This harm is exacerbated by the prominent location on a corner plot adjacent to the amenity space.

6. In reaching my conclusion I have had regard to all matters raised including the need for privacy, safety and security. These are material considerations. However, I do not consider the development to be the only way of ensuring that these needs can be met. I have been referred to an example of side fencing elsewhere. That site is in a materially different location in that it is not adjacent to the amenity space and is not in such a prominent position. Therefore, I do not consider it to be directly comparable to the development on the appeal site, which I have determined on its individual merits.
7. For the reasons stated above, I conclude that the development has an adverse effect on the character and appearance of the existing site and surrounding area. Thus, the development is contrary to Policies D1 and H4 in the Maldon District Local Development Plan (2017), where they seek to ensure that development respects and enhances the character and local context.
8. Since the Council made its decision, the National Planning Policy Framework has been revised. It continues to seek high standards of design. I consider the development plan policies referred to above to be broadly consistent with the Framework, especially where the Framework seeks to ensure good design.

*J L Cheesley*

INSPECTOR