
Appeal Decision

Site visit made on 12 January 2022

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/X1545/W/21/3282936

8 Highfield Rise, Althorne, Chelmsford, Essex CM3 6DN

- 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 Timothy Merrett against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00369 was refused by notice dated 22 July 2021.
 - The development proposed is to re-instate rear garden fence removed to carry out building works.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property lies within a primarily residential area of predominately single-storey dwellings. A strong characteristic of the area is the open plan layout of front gardens. Where there are enclosed front gardens, they create a sense of enclosure which is not an overriding characteristic. From my observations, the layout of the dwellings with open frontages makes a positive contribution to the sense of openness in this area.
 4. The appeal property is on a corner location. The proposal is for a wooden fence with horizontal slats some 1.8 metres in height around three sides of part of the existing front garden. From my observations, due to the length, height and prominent position in the streetscene, I consider that the proposal would have an unacceptably adverse impact on the character and appearance of the site and surrounding area, creating an unacceptable sense of enclosure in this predominately open streetscene.
 5. I note that a fence of this scale in this position was removed some time ago. I have given some weight to this matter. However, The National Planning Policy Framework (2021) now places greater emphasis on good design.
-

6. In reaching my decision I have had regard to all matters raised. In particular, I realise that the proposal would create a private outdoor amenity space and I have given serious consideration to the safety and well being of occupiers. These are material considerations. I consider that the harm I have found is so significant that I conclude that the proposal would have an unacceptably adverse effect on the character and appearance of the site and surrounding area.
7. For the above reasons, the proposal would be contrary to Policies D1 and H4 in the Maldon District Local Development Plan 2014-2029 (2017), particularly where they seek to ensure that new development respects and enhances local context and makes a positive contribution to the character of the surrounding area. I consider these policies to be broadly consistent with the Framework, especially where the Framework seeks to ensure good design.

J L Cheesley

INSPECTOR