

Appeal Decision

Site visit made on 21 January 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Reference: APP/V1505/D/21/3287130

Land at 7 Truman Close, Laindon, Basildon SS15 6JS

- 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 P Weaver against the decision of Basildon Borough Council.
 - The application (reference 21/00686/FULL, dated 24 April 2021) was refused by notice dated 27 August 2021.
 - The development proposed is described in the application form as “to erect a 6ft fence as a privacy screen”.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

3. The appeal site is located in a residential area of Laindon, some distance to the west of the main part of Basildon itself. The area is laid out with a meandering road pattern, with cul-de-sac roads served by the main estate roads. Truman Close is such a cul-de-sac, branching off Washington Avenue and providing access to a small group of houses around a vehicle turning area, with an open space at the junction of the two roads that is marked by a group of trees set in a grassy area.
4. Properties in Truman Close are two-storey houses in traditional forms, closely built up around the highway frontage but in a mature townscape that creates a pleasant suburban setting. A short footpath links the Close to Eisenhower Road, the next cul-de-sac to the east along the northern side of Washington Avenue.
5. The house at number 7 Truman Close stands alongside the footpath referred to above. The path is defined by close boarded fences alongside the back gardens of the adjoining houses on both sides but, where the path emerges between front gardens, the front gardens themselves are not fenced, although the

public path is defined by plants or other features. Nevertheless, it passes close to a front window at number 7, although other houses adjoining the path do not suffer the same direct impact.

6. It is now proposed that a screen fence should be erected alongside the path, adjacent to the front garden of number 7, in order to improve privacy. The fence would be 1.8 metres (6 feet) high, constructed of wooden fence panels supported by concrete posts.
7. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense, making it plain that new development should be sympathetic to its surroundings (notably at Section 12). It is aimed at achieving good design standards generally, which includes protecting residential amenities and providing good standards of accommodation.
8. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy BAS BE12 of the Basildon District Local Plan Saved Policies (dated September 2007), which includes the provision that development should be refused planning permission if it would harm the surrounding area, including the streetscene.
9. In this case, the proposed new fence would be located along the boundary between the front garden of number 7 Truman Close and the narrow public footpath, extending to the front boundary of the site. The footpath lies close to the nearest ground floor front window of the house and there is obvious potential for passers-by to intrude on the privacy of the householders. At the same time, it must be acknowledged that the front garden is not deep enough to fully protect privacy in any case.
10. Nevertheless, there is some significant vegetation on this front garden boundary at present. The existing shrubbery is heavily overgrown by ivy at present but it demonstrates that privacy can be significantly protected by suitable planting.
11. On the other hand, the proposed new fence would amount to a substantial feature that would interrupt the open character of the existing frontages and would be unattractive and awkward in the streetscene, as well as adding to the impression of enclosure on the footpath (in spite of the open boundary opposite the appeal site). It would project far forward of the house itself, interrupting the openness of front gardens in this part of the Close, and it would create an unwelcome and unsatisfactory visual intrusion.
12. The new fence could afford some additional privacy to the house at number 7 Truman Close (in relation to the footpath rather than to the roadside) but, nevertheless, I am convinced that the harm that would be done to the character and appearance of the surroundings, and to the streetscene in particular, outweigh the benefits of the project.
13. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) that are aimed at achieving good design standards.

14. In short, I have formed the opinion that the proposed development ought not to be allowed and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR