



Appeal Decisions

Site visit made on 24 May 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal A: Ref: APP/J1535/C/21/3280487

1 Marconi Bungalows, High Road, North Weald Bassett CM16 6EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms L. Pitts against an enforcement notice issued by Epping Forest District Council.
 - The enforcement notice was issued on 12 July 2021.
 - The breach of planning control as alleged in the notice is without planning permission: the erection of a boundary wall, pillars, railings, lights, and gates over 1metres in heights, adjacent to a highway.
 - The requirements of the notice are:
 1. Remove the unauthorised Boundary wall, railings, pillars, lights, and gates from the Land, as marked hatched on the attached plan.
 2. Remove resultant debris from the Land following compliance with steps above.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/J1535/W/21/3280401

1 Marconi Bungalows, High Road, North Weald Bassett, Epping CM16 6EQ

- 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 Ms Layla Pitts against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0692/21 dated 12 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is described as "Gates to front drive."
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Decisions

Appeal A: APP/J1535/C/21/3280487

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a boundary wall, pillars, railings, lights, and gates over 1 metre in heights, adjacent to a highway at 1 Marconi Bungalows, High Road, North Weald Bassett CM16 6EQ referred to in the notice.

Appeal B: APP/J1535/W/21/3280401

2. The appeal is allowed for the new front boundary wall and entrance gates with railings and brick piers and planning permission is granted for the new front

boundary wall and entrance gates with railings and brick piers at 1 Marconi Bungalows, High Road, North Weald Bassett, Epping CM16 6EQ in accordance with the terms of the application, Ref: PL/EPF/0692/21 dated 12 March 2021.

Procedural Matters

3. For Appeal B and the decision above, I have taken the description of development from the Council's decision notice, which more accurately describes the development carried out in relation to the front boundary wall, railings, and gates.
4. The Council's reasons for refusal and notice refers to policies DM 9 and DM 10 of the Epping Forest District Local Plan Submission Version 2017 (LPSV). The LPSV has not yet been adopted by the Council as part of their development plan. However, the LPSV has been through the examination process and the Council advise that the emerging Local Plan has reached a very advanced stage. Therefore, I have attached significant weight to these emerging policies but not the full weight of an adopted Local Plan.

Appeal A on ground (a), the deemed planning application (DPA) and Appeal B

5. Ground (a) is that planning permission should be granted for the matters stated in the notice. Since the planning appeal is against refusal of permission for the identical development, the considerations in that appeal are the same, and I have treated both cases together.

Main Issue

6. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

Character and appearance

7. The appeal site relates to a semi-detached chalet-style bungalow and is situated in a row of similar bungalows. There are also a small number of residential properties on the opposite side of the road. Residential properties in the area benefit from substantial front gardens set back from the road which gives the street a spacious and open character.
8. The unauthorised front boundary wall, pillars, railings, lights, and gates over 1m in height has been added to the front of the dwelling. However, during my site visit I observed that there was a variety of heights and styles of boundary treatments in the immediate vicinity of the site, and that similar height fences, pillars and gates existed on properties directly opposite.
9. The brick wall and pillars has been constructed in a light colour which is similar in colour and appearance to the render used on the host property and nearby buildings. Whilst the front boundary treatment exceeds 1m in height the painted metal railings have a traditional appearance and allow direct views into and through the appeal site from the road, as well as maintaining the spacious and openness of the area. Furthermore, the openness of the railings allows the existing front boundary treatment to be seen against the backdrop of the existing landscaped borders of the front garden, which further softens the impact of the development when viewed from the street.

10. Given the overall size of the chalet bungalow, the front boundary walls, pillars, and gates, including lighting, do not look disproportionate in terms of size, height, scale, or appearance. In this respect the development does not dominate the character or appearance of the area nor appear visually intrusive in the surroundings.
11. I therefore conclude that the front boundary wall, pillars, railings, lights, and gates do not have a harmful impact upon the character and appearance of the area. In this respect the development complies with Policies DM 9 and DM 10 of the LPSV which states that all new development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area, and that alterations to residential buildings will be required to respect and/or complement the form, setting, period, detailing of the original buildings. Finally, the development complies with the aims of part 12 of Framework, which requires development to be sympathetic to local character and history.

Other matters

12. The Council's reason for refusal and notice also refers to policy DM9 of the Epping Forest District Local Plans Alterations, 2006 (EPLPA). However, the Council have since confirmed that this is an error. I have therefore not assessed the proposal against this policy. The Council's appeal statement also refers to policies DBE9 and DBE10 of the EPLPA, which are not mentioned in the reason for refusal nor enforcement notice. However, these policies relate to loss of amenity and residential extensions which does not appear to be relevant to the case advanced by the Council for this front boundary treatment. I therefore find no conflict with either of these policies.
13. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Concerns have been raised that the development reduces visibility splays for vehicles coming out of the adjacent lane onto the A414. However, Highways Essex have been consulted and have stated that they have undertaken a site visit and confirm that they have no objection on highway safety grounds. I find no reason to disagree with this professional opinion.
14. With regard to conditions, the Council have suggested a proposed landscaping condition. However, I have found that the front boundary treatment does not harm the character and appearance of the area and therefore there is no need for such a condition to make the development acceptable. No further conditions have been suggested by the Council and as the development appears to be completed, there is no need for any additional conditions.

Conclusion on the Appeal A on ground (a), the DPA and Appeal B

15. For the reasons given above I conclude that the appeals succeed on ground (a) and for Appeal B. I shall grant planning permission for the erection of a boundary wall, pillars, railings, lights, and gates over 1 metre in height, adjacent to a highway. The appeals on grounds (f) and (g) do not therefore fall to be considered.

R. Satheesan

INSPECTOR