
Appeal Decision

Site visit made on 28 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/X1545/D/21/3283524

Grove Manor, Herbage Park Road, Woodham Walter CM9 6RJ

- 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 Steven Lewis against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00605, dated 1 June 2021, was refused by notice dated 28 July 2021.
 - The development is installation of a 1.9 metre high timber panel fence.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a 1.9 metre high timber panel fence at Grove Manor, Herbage Park Road Woodham Walter CM9 6RJ in accordance with the terms of the application, Ref HOUSE/MAL/21/00605, dated 1 June 2021, and the plans submitted with it.

Preliminary Matter

2. From my site visit and on the basis of the evidence before me, the fencing has been erected and the development is retrospective.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is in a rural location where mature trees and hedgerows line the northern side of the road and provide pleasant canopies which overhang the carriageway. Despite being outside any settlement boundary defined by the Local Development Plan 2017 (the LDP), the Woodham Walter Village Design Statement 2017 acknowledges the appeal site to be within an area of settlement and it is one of a small number of residential properties on this side of Herbage Park Road. These other nearby properties have varied front boundary treatments including low level fencing with hedges behind. Despite being a rural location, the presence of residential boundary treatments is an established feature on the south eastern side of the road and this contributes to its overall character.
5. The fencing which has been installed is higher than the other nearby boundary treatments, and occupies a significant length of the edge of the highway which is reflective of the plot size. Despite this, the fencing is set back and allows a sizable grass verge to be maintained at the edge of the road. In combination with the mature trees just inside the boundary of the appeal site, and the

mature trees and hedgerows opposite, the verdant character of the area is maintained. Furthermore, due to the presence of other residential boundary treatments on the road, I do not find the fencing to be incongruous with the character of the area. Despite its dark colour, as it is set back from the road and set beneath the tree canopies, I do not find this causes visual harm nor results in the fencing being unduly prominent.

6. Overall, the development preserves the character and appearance of the area. As such it is compliant with Policies S1, D1, S8 and H4 of the LDP which together require development to respect local character and be appropriately designed, and that it should not adversely impact on the intrinsic character and beauty of the countryside. The development also adheres to the design objectives set out in the National Planning Policy Framework (the Framework).
7. I do not find conflict with the Woodham Walter Village Design Statement 2017, insofar as it requires that street frontage boundaries should be in keeping with existing environmental characteristics.

Other Matters

8. The matter of inadequate drawings was addressed by the Council at the application stage. Issues relating to other works on the appeal site, lie outside the scope of this appeal.

Conditions

9. I have considered the conditions put forward by the Council and I have had regard to the advice in Planning Practice Guidance and the Framework in respect of conditions. As the development has already been carried out, conditions requiring construction in accordance with the approved plans and details of materials do not meet the test of necessity.

Conclusion

10. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be allowed.

C Shearing

INSPECTOR