
Appeal Decision

Site visit made on 23 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Reference: APP/X1545/D/22/3298017

'The Gallop', 1 Pony Chase, Wickham Bishops CM8 3NX

- 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 Tom Shepherd against the decision of Maldon District Council.
 - The application (reference HOUSE/MAL/21/01339, dated 29 December 2021) was refused by notice dated 28 April 2022.
 - The development proposed is described as *"removal of existing garage, fence and wall and erection of a fence to enclose the back garden of 1 Pony Chase, specifically where the boundary is adjacent to the public highway which extends along Pony Chase and Handleys Lane, and creation of a driveway including dropped curb"*.
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Decision

1. The appeal is dismissed.

Preliminary points

2. In the application form, the description of the proposed development includes a lengthy explanation of the proposals. In a more formal sense, the nature of the proposed development can more clearly be expressed as set out in the decision notice and the appeal form, as follows: *"removal of existing garage, fence and wall and erection of a fence to enclose the back garden of 1 Pony Chase, specifically where the boundary is adjacent to the public highway which extends along Pony Chase and Handleys Lane, and creation of a driveway including dropped curb"*. In the heading, above, I have adopted this description.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. The second is its effect on highway safety and convenience.

Reasons

4. The appeal site lies in a residential area of Wickham Bishops that has a clearly suburban character. Pony Chase is a short cul-de-sac that opens off Handleys Lane, serving an area of traditionally designed houses on good sized plots. Plots on the southern frontage of Handleys Lane are typically more substantial, with large back gardens, while houses in Pony Chase are more closely

- grouped around the access road. The townscape benefits from trees and shrubs that soften the appearance of the area.
5. Number 1 Poney Chase is located at the corner of Handleys Lane. The house is a two-storey building of conventional design, facing Poney Chase, and it has a single-storey garage that is accessed from Poney Chase. Works were being undertaken on the site at the time of the site visit.
 6. The site has a side boundary to Poney Chase, curving around the back garden, on to Handleys Lane. Currently, this boundary is poorly defined but it is marked by a substantial hedge and shrubs that provide an important feature in the streetscene, backed by trees on the application site and nearby. The shrubbery is heavily overgrown by weeds but is nevertheless a significant visual feature.
 7. It is now proposed that the existing shrubbery should be removed and a new close boarded fence constructed to screen the back garden, inset from the actual site boundary to allow for some new planting.
 8. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).
 9. Under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' deals with a number of transport related issues and it also continues to emphasise the importance of maintaining highway safety and convenience, pointing out that transport considerations can contribute to making high quality places.
 10. These considerations are reflected in local policies, notably in the 'Maldon District Approved Local Development Plan 2014–2029' (dated July 2017). Policies D1 and H4 of the 'Local Development Plan' set out the aim of respecting and enhancing local context and character, making a positive contribution to the surroundings. Policy T2 includes a specific provision to ensure that sufficient parking provision will be made for individual sites.
 11. In this case, the proposed fence would introduce a hard border to the site that would have an obvious impact on the streetscene. The layout would leave some space for new planting and the submissions make it clear that a generous scheme of planting is proposed (without being very specific). Even so, the potential for additional landscaping would inevitably be rather limited, because of the narrowness of the proposed planting area, and the finished scheme would have a much less attractive appearance than the existing shrubbery.
 12. I am conscious that a few sites in the vicinity have only a narrow landscaping strip associated with a boarded fence, while others are more generously landscaped. This proposal must be considered on its own merits, however. In this case, the proposed new fence would amount to a long hard boundary feature on a prominent corner and the limited planting strip would be inadequate to mitigate the harm.

13. In consequence, I am convinced that the proposals would be unacceptable in planning terms, and contrary to local and national planning policies (including the Development Plan).
14. Turning to the highway issue, it is noted that the appeal scheme would involve the demolition of the existing garage and the removal of a parking space in front of it. On the other hand, it has been explained that there is scope for some additional off-street parking provision at the front of the house, and that such an approach would be visually compatible with the existing layout.
15. In any case, it cannot be ensured that the existing parking space and garage would be used in preference to on-street parking. Indeed, they were not being used for this purpose at the time of the site visit.
16. Hence, I am not persuaded the scheme itself would give rise to a significant on-street parking to the detriment of the free flow of traffic in Poney Chase and Handleys Lane, especially bearing in mind the absence of passing traffic in the cul-de-sac. Nor would car parking detract materially from the character and appearance of the area, in this case.
17. Evidently, the appeal site lies within an established urban area and the proposed development would help to enclose the back garden and provide privacy. Nevertheless, I am convinced that the effect of the proposed fence on the character and appearance of the surroundings would be unacceptably harmed, contrary to the planning policies that I have identified.
18. 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.
19. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the visual concerns that I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections that I have identified and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR