
Appeal Decision

Site visit made on 23 November 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th, December 2022

Appeal Ref: APP/M1520/D/22/3307488

1 Meadow View Walk, CANVEY ISLAND, Essex, SS8 9SA

- 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 Mrs Joanna Aubrey (Starcube Ltd) against the decision of Castle Point Borough Council.
 - The application Ref. 22/0330/FUL, dated 15 April 2022, was refused by notice dated 23 August 2022.
 - The development proposed is the erection of a fence adjacent to footpath to protect privacy of back garden. The fence height exceeds 1 metre.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is an end-terrace house located in a prominent position fronting Link Road, and next to one of the characteristic green spaces found throughout the residential estate of which the site forms part. Tall, arch-topped fencing has been installed next to the footway on Link Road, dropping in height to enclose the front garden of the appeal property and that at No. 112 Link Road. The fencing is highly visible in the street scene due to its position.
4. The front gardens of the other dwellings in this terrace are either open or enclosed by planting, but others in the area are marked by low fencing and walls. There is solid fencing on the opposite side of the road, but it is set back behind vegetation; although a lengthy form of enclosure it is softened by planting. The Council's report does not indicate that there is any condition attached to the original planning permission which prohibits the erection of fencing at the site. As such, I find no objection in principle to the low front garden fencing, except insofar as it contributes to the extent of the enclosure next to Link Road.
5. There is no suggestion that the space which has been enclosed as 'rear' garden formed part of a wider network of public open spaces, and RDG10 of the Council's Residential Design Guidance Supplementary Planning Document 2013 (RDG) advises that private space should be clearly defined with a physical

- means of enclosure. The previous boundary fence to the private garden was set much further back from Link Road.
6. Within the area there are examples of tall, solid, and lengthy stretches of rear garden fencing next to footways. However, whether on Link Road or in the wider estate, the majority of these fences appear to be set back slightly from the adjacent footway or roadway, with their dominance in the street scene further mitigated by the openness of neighbouring grass verges and other green spaces. Some enclosures built hard up to the boundary appear less well integrated in the street scene, and RDG10 advises that in materials and positioning, poor forms of development should not be repeated.
 7. Most properties in the vicinity do not have private gardens reaching to the road. In contrast, by being so close to the footway, the installed privacy fencing has disrupted the pattern of more open frontages onto this part of Link Road, and the prevailing sense of space that contributes to the character of the area. This dominance is exacerbated by the proximity to the roadway, with the path and reasonably narrow verge offering little in mitigation. This is in conflict with RDG10, which advises that any means of enclosure should not dominate the public realm.
 8. Although the appellant has provided images of other boundary fencing in the vicinity, most appear to have been in place for some time, and no information has been provided to indicate that more recent installations did not need express planning permission. Nevertheless, I share the Council's assessment that this is a particularly 'robust' means of enclosure due to its position, and RDG10 confirms that in such cases the visual impact should be minimised by the provision of appropriate landscaping. As installed, there is no roadside space available for soft landscaping. Whilst the materials and finish may be of good quality, due to its siting, the privacy fencing conflicts with Policy EC2 of the Castle Point Local Plan 1998 (LP), which requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.
 9. The appellant advises that the area which has been enclosed by the privacy fencing was subject of anti-social behaviour, littering and tree damage. I appreciate the benefits of enclosing the space, including the creation of improved private external space for residents. However, whilst this would accord with the aim of the National Planning Policy Framework (the Framework) to create places with a high standard of amenity for existing and future users, I do not consider that it would outweigh the adverse visual impact of the development on the public domain which has been identified.
 10. I therefore conclude that the development detracts from the character and appearance of the area. As supported by RDG10, it conflicts with LP Policy EC2, which requires any development to be appropriate to its setting and not harmful to the character of its surroundings; and contrary to the design aims of the Framework, which includes ensuring that developments add to the quality of the area and are sympathetic to local character.
 11. For the reasons given above I conclude that the appeal should be dismissed.

H Lock

INSPECTOR