
Appeal Decision

Site visit made on 7 January 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25th January 2023

Appeal Ref: APP/N1540/D/22/3310922

2 Lapwing Drive. Harlow, Essex CM17 0GS

- 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 Jane Chambers against the decision of Harlow Council.
 - The application Ref: HW/HSE/22/00332, dated 6 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the relocation of a boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development is described on the application form as *'we moved to a new build home. We have a garden wall from the wall to the kerb there is 10ft of space which is our boundary. There is no foot path on the side of the road, only houses with driveways. We would like to move the wall so the space is used for our garden. Not sure how much space we would have to leave to the kerb, was thinking of 2ft? Each end of the wall (if accepted for planning) would be curved. The local planning authority(LPA) describes it as for 'the relocation of a boundary wall'.* I have used the latter description in the banner heading as it more concisely describes the proposed development.

Main Issue

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

Reasons

4. The appeal property forms part of a newly constructed development of brick built, mainly two storey dwellings. It has a side garden with a boundary wall of matching brick pillars with wooden infills, and which faces Lapwing Drive with an intervening grassed strip of land of about 2 metres wide.
5. The appeal property looks onto the gable elevation of the dwelling immediately opposite and which also has a side garden with a boundary wall facing the road, but with no intervening grassed strip but rather with a narrower strip of hardcore.

6. As the housing area is newly constructed, the area still retains a somewhat stark appearance, though the grassed strip in front of the boundary wall to the appellant's property softens the overall appearance of the area. While the appellant considers that the grassed strip is not central to landscape character, I think it was possible that it was a deliberate design consideration for the housing development at this point. Whether or not that is the case, the proposed relocation of the boundary wall closer to the road would result in the loss of this softening quality, to the detriment of the character and appearance of the area.
7. The side boundary wall to the appeal property extends in front of the elevation to the house and parallel to the road by approximately 1 metre. It mirrors the side boundary wall opposite in this regard and both have similar heights.
8. The proposed relocation of the side wall and the loss of most of the grassed strip would visually constrict the road at this point, creating a pinch point leading to a loss of spaciousness and an adverse effect upon the character and appearance of the area.
9. Therefore, I conclude that the proposed development would not accord with policies PL1 and PL6 of the Harlow Development Plan 2020 which require a high standard of development based upon local context, character and distinctiveness, and which does not detract from landscape character and openness.

Other Matters

10. I can appreciate that on occasion the existing grass strip might be the subject of dog fouling and littering and which are not visually attractive. However, I have no evidence before me as to the frequency or intensity of such events, but, in any event, these matters are not of sufficient weight to outweigh my conclusion on the main issue.
11. While it is not stated as an objection by the LPA, the extension of the boundary wall forwards towards the highway would inhibit sight lines for drivers entering the access road from the private drive to No 4 Lapwing Drive and to the detriment of highway safety.

Conclusion

12. For the above reasons, the appeal should be dismissed.

S. Hartley

INSPECTOR