



Appeal Decision

Site visit made on 10 February 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/J1535/D/22/3302909

The Briars, Old House Lane, Roydon, Essex CM19 5DN

- 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 R Morreale against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0337/22, dated 9 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is Erection of gates, piers and walls to front boundary.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of gates, piers and walls to front boundary at The Briars, Old House Lane, Roydon, Essex CM19 5DN in accordance with the terms of the planning application Ref. PL/EPF/0337/22 dated 9 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with approved plans/drawings 21/023/PL01 and 21/023/PL02.
 - 2) Prior to their installation details of the type and appearance of the gates shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
 - 3) The front hedge between the walls to the gates shown on the approved plans shall be retained and maintained for the life of the development hereby permitted at a height of not less than 2m above ground level.

Procedural Matter

2. At my visit there were some pillars of a similar position to those shown in the submitted plans. The appellant has clarified the development has commenced, but it is not yet complete. I have considered the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site is within a part of Old House Lane comprising linear residential development subdivided by a variety of fencing and mature boundary

vegetation. Behind and between many groups of dwellings are a variety of design, appearance and scale commercial buildings, in metal, boarding, blockwork and glass. Despite being within the Green Belt much of the site and its surrounds are of more of a mixed residential/commercial character, with only limited visibility of the wider landscape beyond.

5. The appeal site comprises a sizeable recently constructed detached dwelling with a generous front garden area bound by a mature frontage hedge of approximately 3m high, lined by fencing of approximately 1.5m – 2m high along either side. Although it is larger than its neighbouring dwellings, its two storey height, well-proportioned front façade, brickwork construction and generous front garden means the appeal site is in keeping with the character and appearance of the area.
6. The new walls and pillars are to be in brickwork and stone to match the host dwelling, which would not be dissimilar to brickwork on other buildings nearby. The black steel railing gates would be a simple design with a degree of transparency. They would be visible in the context of similar colours and materials on some nearby commercial buildings and some similar gates to the west. Therefore, the development would not be out of keeping with the design and materials of surrounding development. I also noted examples of such gates in the wider area along Epping Road.
7. The pillar and wall heights are to be similar to the side boundary fencing and significantly below the appeal site hedge. The pillars, gates and short sections of walling would be within existing frontage access gaps, be of a modest depth and height, sitting behind the front boundary and hedge line. The pillars would be recessed significantly behind the front boundary and hedge line, visible closely in the context of the sizeable host dwelling, and neighbouring dwellings.
8. The development would not be stridently higher than boundary treatments nearby. Retention of the existing frontage hedge with a suitably worded planning condition, means the development would appear as comparatively small breaks in what is a wide maturely landscaped frontage. The visibility in the street scene and area would be limited given their position, appeal site boundary treatments, and the curve of the highway. As a matter of planning judgement, the development would not appear either visually intrusive, conspicuous, dominant or out of scale or character with its surrounds.
9. For the reasons set out above the development would be in keeping with and would not be harmful to the character and appearance of the area. It would not conflict with Policies CP2, DBE9 and DBE10 of the Epping Forest Local Plan (adopted 1998, modified 2006) (the LP). Amongst other things these require development maintains and preserves the rural and built environment and its character. It would also be compliant with paragraph 130 of the National Planning Policy Framework (2021) (the Framework) insofar as this requires development is sympathetic to local character, the surrounding built environment, and landscape setting.
10. The Epping Forest Local Plan Submission Version (2017) (the LPSV) has been examined and modifications consulted upon. I see no reason why its policies should not be attributed significant weight. I do not find a conflict with Policies DM9 and DM10 of the LPSV, which, amongst other things require development is of a high specification of design that positively contributes to the character and amenity of the locality, and is in keeping with the host building.

11. Policy SP6 of the LPSV referred to in the reason for refusal seeks the protection of the Green Belt from inappropriate development. Therefore, it is of less relevance to this main issue than the policies I have referred to above.

Other Matters

12. While the appellant informs me the site is to be removed from the Green Belt upon adoption of the LPSV, presently it remains in the Green Belt. The Council has referred to related policies in its reason for refusal but has not specifically explained why or concluded that the proposal is inappropriate development. The appellant's view is that the development is not inappropriate development as it is an extension or alteration to an existing building and/or limited infilling within a village under paragraphs 149c) and e) of the Framework.
13. When I sought the Council's further views upon the Green Belt, it did not dispute the appellant's view. When permission was first granted for a new dwelling the Council concluded the new dwelling could be considered as limited infilling. Based upon the evidence before me, I consider the development constitutes infilling, it is limited infilling, and it is within a village. There is no substantive evidence put to me that weighs against this finding and I see no reason to depart from the appellant's view.
14. In consequence, the proposal is not inappropriate development, and it does not conflict with the development plan or Framework in these regards. It also does not conflict with the aims of Policy SP6 of the LPSV, the relevant aims of which I have referred to above. As it is not inappropriate development, it is not necessary to assess openness or demonstrate very special circumstances. The Council does not object to the development having regard to the living conditions of neighbouring occupiers, and based upon what I saw and the evidence before me, I see no reason to disagree.

Conditions

15. As the development has already commenced a commencement condition is not necessary. A condition requiring the development is carried out in accordance with the approved plans is necessary, as it is not yet complete. As it is clearly shown on the plans the walls and pillars are in materials that would match those approved for the dwelling, a condition requiring the approval of their materials is not necessary. However, to ensure the gates are of a satisfactory appearance, a condition requiring the prior submission and approval of their details by the Council is necessary. In the interests of the character and appearance of the area a condition is necessary to retain the hedge for the life of the development at not less than 2m high.

Conclusion

16. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR