
Appeal Decision

Site visit made on 25 October 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2023

Appeal Ref: APP/V1505/W/22/3299062

17 Sark Grove, Wickford SS12 9GQ

- 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 J George against the decision of Basildon Borough Council.
 - The application Ref 22/00122/FULL, dated 25 January 2022, was refused by notice dated 21 April 2022.
 - The development proposed is construction of a timber fence and change of use of open space land to residential garden.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 3rd January 2023.

Decision

1. The appeal is allowed and planning permission is granted for construction of a timber fence and change of use of open space land to residential garden at 17 Sark Grove, Wickford SS12 9GQ in accordance with the terms of the application, Ref 22/00122/FULL, dated 25 January 2022, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with approved drawing ref. 2022/01/17SG – Sheet 02 of 02.

Procedural Matters

2. The description of development on the application form reads: "Retention of existing fence and change of use of open space land to residential garden". "Retention" is not an act of development under section 55 of The Town and Country Planning Act 1990. I have therefore taken the description of development from the Council's decision notice for the banner heading above, which accurately describes the development. I note the appellant has no objection to the description used by the Council.
3. At the time of my site visit, I saw that a fence had been erected and that it appeared to match that shown on the submitted drawings. Furthermore, the land enclosed by the fence appeared to be part of the residential garden of the appeal property. I have therefore determined the appeal on the basis that the development has been carried out and also on the details shown on the submitted drawings.

Main Issue

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

Reasons

5. I saw that the height and solidity of the fence has an enclosing effect on the footpath to varying degrees along its length. This is particularly noticeable where the tall hedgerow on the opposite side of the path to the fence meets the edge of the path and narrows its route. However, for most of its length, this hedgerow is set back from the path and behind a relatively wide strip of open grass covered land, that runs broadly parallel to the path and fence. This strip of land provides a comfortable sense of openness for most of the path's route and the planting behind it provides a soft landscaped edge to the path. In this context, I did not experience the fence as a harmfully dominant structure and I found the route of the path to be a sufficiently open and pleasant landscaped space, appropriate to its function as a short pedestrian route connecting Sark Grove with Orkney Gardens.
6. Although the line of the fence continues forward of the front wall of No 17 Sark Grove, it does so at a relatively low height and is not visually intrusive. In views from Sark Grove, the fence has a negligible visual impact amongst the larger mass of two storey buildings fronting the street. It is also comparable to an existing fence along the side boundary of No 17. In views from Orkney Gardens, the fence is set well back from the road, where its visual effect is absorbed by the larger mass of the surrounding two storey buildings and the planting between them. For these reasons, I find that the fence has a negligible visual impact on the street scenes of Sark Grove and Orkney Gardens.
7. Even if the appeal land was a pleasant and maintained landscaped space prior to its enclosure by the fence, I find that the development has not significantly harmed the character and appearance of the area, for the reasons given above. It is therefore consistent with Policy BAS BE12(i) of the Basildon District Local Plan Saved Policies 2017, which requires development to avoid harm to the character and appearance of the area, amongst other objectives. Policy BAS BE12(i) is consistent with Paragraph 130 of the National Planning Policy Framework 2021, which requires development to add to the quality of the area and be visually attractive.

Conclusion

8. For the reasons given above, I conclude that the appeal proposal is consistent with the development plan as a whole. There are no considerations that indicate otherwise. The appeal should be allowed.

G Sylvester

INSPECTOR