



Appeal Decision

Site visit made on 21 August 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/A1530/W/22/3307324

19 Honey Lane, Tiptree, Essex CO5 0FR

- 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 Mark Pennick against the decision of Colchester Borough Council.
 - The application Ref 221100, dated 3 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is described as "a fence to the boundary of our property at a height of 6ft dropping down to 1 metre so as not to obstruct view for drivers using private carpark to the rear. A temporary fence has been erected as we had vehicles damaged and our garden damaged by vehicles cutting across the garden/speeding etc. The police inspected it at one stage and was happy with what had been put up as a deterrent to slow down speeding vehicles. Since temporary fence has gone up there has been no issues with damage but please note the temporary fence does not include full length of boundary. I have been made aware I need to do a change of use to the rear part of our garden is a verge and needs to be changed to garden".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 4 July 2022 the Council adopted Section 2 of the Colchester Local Plan 2017-2033 (the LP). This has resulted in some of the policies referred to in the Council's decision being replaced by the newly adopted policies. In addition, the Tiptree Neighbourhood Plan (the TNP) was adopted in May 2023. I have determined the appeal on the basis of the most up-to-date development plan. The main parties have been invited to comment on the implications of this change and I have taken the responses into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The site is located in a residential area where properties front the estate roads. Frontages of properties are typically formed by small areas of soft landscaping, reducing the hard edge of the properties against the estate roads. In some instances, metal railings and walls abut the estate roads and their footways.
5. To the side of the site, and adjacent to 21 Honey Lane, is a small access road leading to a large parking area to the rear. On either side of the access road

are narrow strips of soft landscaping. The landscaping strips taper towards the rear before the access opens out into the large parking area.

6. The proposal is to erect a timber close boarded fence along the boundary of the site immediately abutting the access road. The fence would enclose the open area of landscaping to the side of the site. The proposal would introduce a stark feature, which would erode the effectiveness of the soft landscaping adjacent to the access road. The proposed fence, whilst lower towards the front and rear of the site, would be discordant with the prevailing layout of development in the locality and across the wider estate.
7. Although timber fences are present within the locality, these are primarily in discreet areas to the rear of properties. The timber fences adjacent to the parking area to the rear of the site include some planting to the front, particularly opposite the access road. This planting assists in softening the visual effect of this fence, particularly from Honey Lane where this part of the fence is visible.
8. The proposed development would harm the character and appearance of the surrounding area. On this basis, I conclude that the proposed development would conflict with policy SP7 of the Section 1 LP, policies DM13, DM15 and ENV1 of the Section 2 LP, and policies TIP02 and TIP12 of the TNP, which seek to respond positively to local character and preserve the character and appearance of the surrounding area.

Other Matters

9. I acknowledge the intention of the fence to protect the site from encroachment and damage from passing vehicles and that the police were content with the fence given the previous damage. In addition, I appreciate that the fence would assist in slowing vehicles and that the drop in height of the fence would not affect highway safety. However, these would not outweigh the harm identified to the character and appearance of the area.

Conclusion

10. The proposal would cause material harm to the character and appearance of the area. This brings the scheme into conflict with the development plan as a whole and there are no other considerations, which would outweigh the harm that I have found. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR