

Appeal Decision

Site visit made on 21 September 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/W1525/D/23/3324892

53 Kings Road, Chelmsford, Essex CM1 4HR

- 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 Olu Akinmulero (CHP) against the decision of Chelmsford City Council.
 - The application Ref 23/00249/FUL, dated 8 February 2023, was refused by notice dated 28 April 2023.
 - The development proposed is retrospective application for 1.8m boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is provided in a more succinct form in the appeal form. Therefore, the above description reflects the amended description shown on the appeal form.

Main Issue

3. The main issue is the effect of the fence that has been erected on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey semi-detached dwelling located on a corner plot facing the junction of Kings Road with Corporation Road. No 53 is set on a generous plot with relatively large rear and front gardens. Neighbouring dwellings are largely semi-detached properties, with flats and a school on opposite sides of the road junction.
 5. Policy DM23 of the Chelmsford Local Plan (2020), concerning high quality and inclusive design, states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to, amongst other matters, boundary treatments.
 6. From the photographs provided, the curved front boundary was previously enclosed by a mature hedgerow and trees. The form of boundary treatment
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that is characteristic of the majority of residential properties in the surrounding area is low level hedges or timber fencing.

7. The fence that has been erected to the front boundary comprises a 1.8 metre high close-boarded timber fencing with concrete posts and gravel boards. This type of boundary treatment is typically found to rear garden boundaries and its uncharacteristic effects in this location are apparent both in its own right and by comparison with the different boundary treatments to the front of properties in the surrounding area.
8. Due to the prominent corner position of No 53 the fence is highly visible within the street scene, from which views it is an incongruous and dominant feature to the front of the appeal property. As such, it detracts from the street scene and contrasts unfavourably with the surrounding properties, contrary to the requirements of Policy DM23.
9. I accept that the previous hedge may not have been maintained and needed to be removed. It does not follow, however, that the current fence was the only possible form of replacement boundary treatment. I acknowledge the appellant's concerns about security, but these are not sufficient to overcome the harm found above. In particular, other properties have retained low level front boundaries and the appeal property benefits from a relatively large enclosed rear garden. The other limited number of examples referred to in the surrounding area are not comparable to the appeal proposal in their materials or extent of the fencing. Moreover, the boundary treatment to the school opposite reflects its use as opposed to the residential use of the appeal property.
10. Therefore, for these reasons, I conclude that the fence has an unacceptably harmful effect on the character and appearance of the street scene. Consequently, it is contrary to Policy DM23 of the Chelmsford Local Plan, described above. It is also contrary to the National Planning Policy Framework, which advocates good design.

Conclusion

11. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR