



Appeal Decision

Site visit made on 7 November 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28.11.2023

Appeal Ref: APP/J1535/D/23/3327719

37a Theydon Park Road, Theydon Bois CM16 7LR

- 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 and Mrs Alan and Rita Bishop against the decision of Epping Forest District Council.
 - The application Ref EPF/0428/23, dated 25 February 2023, was refused by notice dated 22 May 2023.
 - The proposed development is new railings and gates to front garden.
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Decision

1. The appeal is allowed and planning permission is granted for new railings and gates to front garden at 37a Theydon Park Road, Theydon Bois CM16 7LR, in accordance with the terms of application ref: EPF/0428/23 dated 25 February 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall be not later than three years from the date of this decision.
 - 2) This permission shall relate to the following approved plans: 1:1250 site location plan and 17-1983/6-1G (external works as proposed).
 - 3) Notwithstanding the details indicated on the approved plan, development shall not commence until a fully detailed planting scheme has been submitted to and approved in writing by the Local Planning Authority to show the location, species, height at planting and density of a hedge to be provided along the site frontage and along the side (north) boundary. The approved scheme shall be implemented at the same time as the development or within the first planting season following completion of the development whichever is the sooner; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue is the impact on the character and appearance of the street scene.

Reasons

3. The appeal site lies within a residential area towards the southern outskirts of the village. The road contains mainly detached properties though of a variety

- of size, age and design. The dwelling on the appeal site is a recent modern infill with white rendered walls and grey roof tiles and window frames.
4. The immediate street scene contains a variety of boundary treatments including low brick walls, higher walls, some rendered, of about one metre height and hedging, some of which is higher. The majority of the gardens which have fences or walls have established or mature planting behind and in some cases, including a site directly opposite the appeal site, have open front gardens with mature landscaping set further back into the site behind a grass bank. As such, the street has a pleasant, semi-rural 'green' character and appearance.
 5. Railings have already been installed at the appeal site, apparently without the appropriate planning permission. These comprise of round metal spindles, regularly spaced, set within square posts with small ball tops to a height of 1.5 metres along the front boundary and increasing to 2 metres in height adjacent to the dwelling. They are set within a low brick wall of varying height and abut the pavement edge as well as along both side boundaries where the height of the enclosure increases towards the dwelling due to the slope of the land. Currently, these railings appear as harsh, urban features within the street scene which detract from its established character.
 6. The current scheme proposes that the railings along the front boundary and nearest part of both side boundaries would be of 1.2 metres height. The plans also show new planting to be provided immediately to the rear of the front railings comprising three year old feathered whip beech, 1-1.2m in height. A hedge is also indicated along the side (north) boundary within the site though the details of species and height at planting do not appear to be given. The Appellant contends that the hedge within the neighbouring property to the south (No. 39) would provide appropriate 'softening' of the railings along the common boundary and no additional planting within the appeal site is therefore proposed.
 7. Whilst the proposed planting could go some way to 'softening' the harsh appearance of the railings, I consider that ultimately it would be unlikely to completely screen them. Indeed, whilst the hedge within the curtilage of No. 39 provides a 'green backdrop' to the railings, the railings themselves can still be seen. However, with suitable species that can grow between the railings, a better screening effect could be achieved.
 8. Policy DM9 of the Epping Forest District Local Plan (2023) (EFDLP) requires new development to not only achieve a high quality of design that contributes to the distinctive character and amenity of the local area, but it also supports the incorporation of measures to reduce the risk of crime. Furthermore, development should demonstrate how landscaping and planting has been integrated. A balanced approach is to be taken and, overall, I consider that subject to a suitable, detailed planting scheme being provided for both front and side (north) boundaries, as indicated above, the impact of the proposed railings would, in time, be reduced to an acceptable degree.
 9. I note that the Appellant suggests that a similar height chain link fence with hedge previously existed on the site boundaries prior to the construction of the replacement dwelling that is there now. In addition, permitted development rights are referred to. However, I note that there are also references to a condition on the permission for the replacement dwelling that required details

of landscaping and boundary treatment to be approved. Whilst it would appear that a scheme was approved, full details are not provided. Furthermore, there appears to be no lawful development certificate confirming what could be erected under permitted development rights. As such, I can only give limited weight to these matters.

10. I find that, provided a suitable landscaping scheme is provided, the proposed boundary fence would not be unacceptably harmful to the character and appearance of the street scene. Taking account of all relevant matters, it would accord with EFDLP Policy DM9.
11. I have also taken into account the relevant policies of the National Planning Policy Framework and find that having regard to the need to take a balanced approach in respect of achieving social, economic and environmental objectives, the proposal would be acceptable.

Conclusions

12. Conditions are required to ensure that the development accords with the approved plans and, as indicated above, to require a fully detailed planting scheme for both the front and side (north) boundary for the avoidance of doubt and in the interests of the visual amenity of the street scene.
13. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR