



Appeal Decision

Site visit made on 15 November 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07.12.2023

Appeal Ref: APP/W1525/D/23/3329065

Yorkstone, Birches Walk, Galleywood, CM2 8TZ

- 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 Paul Ryan against the decision of Chelmsford City Council.
 - The application Ref 23/00625/FUL, dated 14 April 2023, was refused by notice dated 29 June 2023.
 - The development proposed is the construction of a gated boundary wall and security railings to front/side elevation of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a gated boundary wall and security railings to front/side elevation of the property at Yorkstone, Birches Walk, Galleywood, CM2 8TZ in accordance with the terms of the application, Ref 23/00625/FUL, dated 14 April 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to any development above the level of the foundations of the brick wall and columns, a scheme of planting along the wall shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out in the first planting season following the completion of the development.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the local area

Reasons

3. The appeal property 'Yorkstone' is a detached bungalow, set on a rather shallow plot, with the dwelling facing north towards the rear of the dwelling Jesk. It has a substantial front garden/access drive to its garage, with a lengthy flank boundary to Birches Walk, and a substantial garden to the rear. The proposed wall and gateways are located in the north west corner of the site, effectively as an extension of the flank boundary which is otherwise marked by a high metal fence.

4. Birches Walk runs from Margareting Road as a cul-de-sac. It has a mixture of detached bungalows and chalet style dwellings. The frontages of most of these houses are largely open. There are also boundaries lined by hedges, trees, and other soft landscaping features. There are examples of hard boundary features along Birches Walk, with timber close boarded fencing present at Furlongs, Jesk and Heseltines, but these are softened by trees, plants and bushes. Whilst most of Birches Walk is considered by the highway authority to be a private road, Yorkstone fronts a spur which is said by the appellant to be a private drive that also serves Jesk, Glenavon, The Gallops and Furlongs.
5. The proposal is to construct a brick wall, with metal railings above, and entrance gates - a vehicular gateway and a pedestrian gate - of similar design to the railings. The first element, when approaching Yorkstone, would be the vehicular double gates, supported on substantial brick pillars, followed by the pedestrian gate. There would then be the low brick walls which would be approximately 928mm high with more slender pillars, and a final pillar of the same scale as those supporting the double gates. The brick pillars would be approximately 1640mm high, topped with globe lights, bringing a maximum height of approximately 2111mm. The railings would have vertical spindles, topped by 'fleur de lys' finials, and the curved tops of the gates would have the same design of finials.
6. The railings above the walls and the gates would have a rather open, transparent appearance, since the slender spindles and the top rail do not greatly obstruct visibility above the wall. It is the formality of the wall, railings and gates that are at odds with the informal character of most of Birches Walk. That informal character largely arises from the planting that acts as a foil to boundary treatments elsewhere. The appeal proposal could achieve the same kind of informality by the addition of some planting, either within the area immediately behind the wall, or in front of it where there is a degree of verge. This planting, that would soften the appearance of the wall, could be required by way of a condition on a planning permission.

Conclusions

7. The proposed wall is relatively low at about 1m in height. The railings that top the wall are little more than 1.6m high, and they and the gates have a very open character owing to the slender spindles and the spaces between. With the addition of some planting to soften the otherwise rather formal nature of the development, which otherwise contrasts with the informal, verdant character of the area, the proposal would not have an adverse effect on that character and the appearance of the local area.
8. Therefore, with an appropriate condition, the proposal will conform to Policy DM23 of the adopted Development Plan and paragraph 130 of the National Planning Policy Framework. For these reasons I will allow the appeal.

Conditions

9. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested that a condition is imposed to ensure that the development shall be carried out in accordance with the approved plans. This condition is necessary for clarity the avoidance of doubt and I can deal with it in the terms of the permission. In addition I will

impose the condition than I have deal with paragraph 6 above, for the reasons given.

Terrence Kemmann-Lane

INSPECTOR