

Appeal Decision

Site visit made on 16 January 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01.02.2024

Appeal Ref: APP/V1505/D/23/3333646

1A Clay Hill Road, Basildon, Essex SS16 5DA

- 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 Miron Sergui against the decision of Basildon Borough Council.
 - The application Ref 23/00927/FULL, dated 12 July 2023, was refused by notice dated 11 September 2023.
 - The development proposed is fence to front including front gates and metal railing.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the development has been undertaken, I have dealt with the appeal on the basis that it involves an application for retrospective planning permission.

Main Issues

3. The main issues are the effect of the boundary treatment that has been built on the character and appearance of the street scene; and on highway safety.

Reasons

Character and appearance

4. The appeal property is a two storey end-of-terrace dwelling located in a residential cul-de-sac. There is a green wooded area with a footpath between the side of the appeal property and the road to the north.
 5. Policy BAS BE12 of the Basildon Local Plan Saved Policies (2007) states that permission for the alteration and extension of existing dwellings will be refused if the development causes material harm to the character of the surrounding area, including the street scene.
 6. There is a good degree of uniformity along Clay Hill Road, with the original layout, design and appearance of properties readily apparent. The street is characterised by unaltered terraced properties with open frontages to the street, providing a visual coherence and consistency to the street scene.
-

7. The development that has been undertaken comprises a brick boundary wall adjoining the fence that runs along the side boundary. This extends across the front of the property with two metal gates incorporated and a lower boundary wall with pillars and metal railings to the other side. As the appeal property is at the closed end of the road next to the wooded area, it is less conspicuous than would be the case if positioned elsewhere in the street.
8. Nonetheless, the changes to the front boundary are substantive and due to the solidity and height of the boundary treatments, they are prominent within the street scene. In particular, the extent of the full enclosure of the front boundary and the materials used contrasts unfavourably with the uniform open appearance of all the other properties' front boundaries in the street. Consequently, the development to the front of the appeal property harmfully undermines the original layout and appearance of the street scene.
9. I acknowledge that the changes to the boundary seek to respond to security concerns arising from use of the wooded area and footpath next to the appeal property. However, the principal boundary providing separation is to the side and, therefore, the harmful effect of the full enclosure of the frontage is not overcome by these concerns. The appellant provides a photograph of a similar boundary wall and gate, but this is not part of the same street scene as the appeal property and I am unaware of the wider context. As such, this other example does not alter the above findings.
10. Accordingly, for these reasons, I conclude that the boundary treatment that has been built has a materially harmful effect on the character and appearance of the street scene. Therefore, it is contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies, as described. It is also contrary to the National Planning Policy Framework, which promotes good design.

Highway safety

11. The Council indicates that the boundary treatment impinges on the existing highway boundary and will, therefore, have a detrimental impact on highway safety. However, I am not aware that a plan has been provided of the extent of the highway land involved. From the site inspection it is clear that on-street parking is prohibited in front of No 1A and there appears to be sufficient space for vehicles to manoeuvre and turn at the end of the cul-de-sac.
12. Consequently, on the basis of the available information and the inspection, I conclude that the development does not result in unacceptable harm to highway safety. As such, there is no conflict with the Highway Authority's *Development Management Policies* supplementary guidance.

Conclusion

13. For the reasons given above concerning the first main issue, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR