

Appeal Decision

Site visit made on 13 February 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024.

Appeal Ref: APP/P1560/D/23/3332123

2 Pollard Walk, Clacton On Sea, Essex CO16 8XQ

- 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 Mrs Alison Reeves against the decision of Tendring District Council.
 - The application Ref 23/00590/FULHH, dated 20 April 2023, was refused by notice dated 11 August 2023.
 - The development proposed is removal of existing hedgerow and wall to replace with new fence along boundary line.
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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 decision notice. Therefore, the above description reflects this amended description.

Main Issue

3. The main issue is the effect of the proposed boundary fence on the character and appearance of the street scene.

Reasons

4. The appeal property is a detached two storey dwelling located on a corner plot next to the junction of Gilders Way with Pollard Walk. The surrounding area is residential in character.
5. Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1 (2021) requires development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2 (2022) requires new development to make a positive contribution to the quality of the local environment and protect or enhance local character.

6. The majority of the dwellings in the area surrounding the appeal property have open frontages with no boundary treatments. However, brick boundary walls with a distinctive gap pattern are a feature on corner plots and parking areas, reflecting the original planned design and layout of the estate. A large part of the front boundary treatment to the appeal property is a hedge, which is not fully characteristic of the surrounding area. Nonetheless, the original brick wall to the corner is prominent within the street scene and retains a good degree of uniformity with the same type of wall on the other side of the junction, mirroring its design and appearance. As such, the character and appearance of the street scene is largely as originally designed and laid out, with a good degree of uniformity in boundary treatments as part of this.
7. There are no visible examples of close-boarded or other type of fencing within the immediately surrounding street scene. Therefore, while fencing of this type is not unusual in a residential setting, I agree with the Council that the height, design and siting of the fence would be an incongruous feature within the street scene, that would not reflect its character and appearance.
8. There are a limited number of fences to the side and rear of properties within the wider estate, as the appellant contends. However, these are not part of the same street scene as the appeal property. Moreover, they do not appear to relate to the boundary of the principal elevation of the property facing the road and directly next to the footpath and, therefore, are not as prominent as the appeal proposal would be. I acknowledge that it would cost more to replace the wall rather than erect a replacement fence, but this does not outweigh the harmful effects of a fence in this location, as found above.
9. Therefore, for these reasons, I conclude that the proposed boundary fence would have an unacceptably harmful effect on the character and appearance of the street scene. Consequently, it is contrary to Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1 and to Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2, as described. It is also contrary to the National Planning Policy Framework, which promotes good design.

Other Matters

10. I acknowledge that the appellant may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal. The fact that there were no objections to the proposal from interested parties is not sufficient reason to set aside the harmful effects.

Conclusion

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

J Bell-Williamson

INSPECTOR