



Appeal Decision

Site visit made on 9 October 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/J1535/D/24/3349566

Apple Croft, Middle Street, Nazeing, Waltham Abbey, EN9 2LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gary Branch against the decision of Epping Forest District Council.
 - The application Ref is EPF/2671/23.
 - The development proposed is a garden wall fronting the property to comply with Building Regulation K2 - Protection from falling. Plans show how the guarding design prevents people from falling from a height of more than 600mm..
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The garden wall with railings has already been erected. Consequently, I have considered the proposal as being for the retention of the development as described above.
3. It has also been brought to my attention that a recent appeal for the retention of the wall and railings was dismissed on 19 October 2023 (APP/J1535/D/23/3327619). Whilst each case must be considered afresh on its merits, I am required to give that decision significant weight when reaching a decision on this current appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a detached dwelling, which stands back at a higher level from the road frontage. The area in the vicinity of the appeal site is characterised by other residential properties that vary in terms of their age, scale, and appearance. However, a common characteristic is that the frontages nearby are generally either open or enclosed by low walls/fences and planting. These frontages make a positive contribution to the appearance of the streetscene.
6. The proposal is to retain the existing 1m high brick wall with railings on top. The wall stretches across the full width of the frontage and curves around the radii of the vehicular entrance.

7. Policy DM9 of the Epping Forest District Local Plan 2011-2033 requires development to relate to its context, drawing upon local character, and to make a positive contribution to a place. This is also reflected in paragraph 135 of the National Planning Policy Framework 2023, which states (amongst other things) that developments should add to the overall quality of the area, be visually attractive, and be sympathetic to local character.
8. Whilst the wall and railings appear to have been constructed to a high standard, the structure appears somewhat stark and visually imposing, which is at odds with the prevailing character and appearance of this part of the streetscene. My attention has been drawn to other boundary walls and railings on other frontages along Middle Street. The Council states that some do not have planning permission, but in any event, they are not a common feature in the vicinity of the appeal site.
9. I note that the site is not in a conservation area and that walls no higher than 1m in height can be erected (in most cases) without the need for permission from the Council. Nevertheless, for the above reasons, I conclude that the proposal is harmful to the character and appearance of the area and that it conflicts with Policy DM9 of the LP and with the provisions of The Framework, as referred to above.

Other Matter

10. The appellant argues that the proposed wall and railings are necessary from a safety point of view, because of the difference in levels between the front hard surfaced area and the highway. In that regard, I acknowledge that the proposal accords with the requirements of the Building Regulations. The appellant refers to Regulation K2, which concerns protection from falling.
11. Whilst I acknowledge some risk, I am not aware that the appellant has been required to undertake the works by Building Control. Furthermore, I note that other dwellings along this part of Middle Street have relatively shallow sloping frontages. These appear to avoid sharp drops and this may be something that the appellant could consider to alleviate any risk.

Conclusion

12. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR