



Appeal Decision

Site visit made on 30 October 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/B1550/W/24/3336193

1 Ashfield, Rayleigh, Essex SS6 9TF

- 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 Miss Louise Abrehart against the decision of Rochford District Council.
 - The application reference is 22/01143/FUL.
 - The development proposed is change of use of a grass verge to a domestic garden and erection of a 1.8m wooden fence around the boundary.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a grass verge to a domestic garden and erection of a 1.8m wooden fence around the boundary at 1 Ashfield, Rayleigh, Essex SS6 9TF in accordance with the terms of the application, Ref 22/01143/FUL and the plans 0010/20/FA Sheet PL001 and 0010/20/FA Sheet PL002 submitted with it.

Preliminary Matter

2. I have omitted reference in the description of development to the application being retrospective, as this is not in itself an act of development. However, I saw that the development for which permission is sought has been undertaken, and I assess the proposal on a retrospective basis.

Main Issues

3. The main issues are the effects on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants.

Reasons

Character and Appearance

4. The appeal site stands at the corner the short cul-de-sac of Ashfield and the longer estate road of Oakley Avenue. A solid, timber fence has been erected around an area of grass verge to the side of the appeal property, which extends beyond the front elevations of the dwellings on Oakley Avenue.
5. The wider estate is consistent in terms of the general scale and materiality of the dwellings, but with varied house forms and layouts, with a number of dwellings standing perpendicular to Oakley Avenue. Although it is evident that the original design of the estate involved open frontages and verges, the perpendicular layout of many dwellings means their rear gardens, and the boundary treatments to them, are readily visible in the streetscene, including Nos 54 and 82 a short distance from the appeal site.

6. I saw a number of boundary treatments have also been erected to other properties, including Nos 36 and 44. This appears to be the result of a quirk of the estate layout where dwellings at the end of a block stand perpendicular and their rear wall is attached to the side wall of the adjoining dwelling. As a result, these dwellings do not benefit from rear gardens but side/front gardens directly adjacent to the highway. This is also the case for the appeal property, which has a detached garden area to the far side of 3 Ashfield.
7. I do not have any information relating to the planning history of these other boundary treatments, but they are viewed as part of a varied street scene on Oakley Avenue that includes the original garden walls and subsequent boundary enclosures of several properties, trees, hedges, forecourt parking and bin storage. Consequently, the vista is not wholly open and uniform and, in such a context, the fencing to the appeal site does not appear as an isolated or anomalous feature. Rather, it appears as a standard form of boundary treatment that takes the curve of the property and sits under a large tree which reduces its prominence. The use of the space enclosed by the fencing as domestic garden is also consistent with other garden spaces adjacent to the highway which are similarly enclosed for understandable reasons of privacy and security, including the nearby examples at Nos 36 and 44.
8. Given this context, I conclude that the appeal development preserves the character and appearance of the area, in accordance with Policy DM1 of the Rochford Development Management Plan (December 2014) (the DMP) which requires development to promote the character of the locality to ensure the development positively contributes to the surrounding natural and built environment and residential amenity, including with respect to adequate boundary treatment and landscaping within the development.

Living Conditions

9. The Council's concern relates to the effect of the fencing on the neighbouring occupants of 31 Oakley Avenue, specifically with respect to sense of enclosure. There are no windows to No 31 on the ground floor apart from glazing within and next to the front door, which appears to be in frosted glass. In addition, the door is already recessed into the building and surrounded by the depth of the projecting garage on one side and the wall of the appeal dwelling on the other. The fence also reaches around two thirds of the height of the door, and is set back from it by more than a metre. In this context, the fence is not of a height or proximity that would lead to an undue sense of enclosure for neighbouring occupants. Therefore, I conclude that the development does not cause harm to the living conditions of neighbouring occupants, and no conflict arises with the aforementioned requirements of Policy DM1 of the DMP.

Conclusion

10. For the reasons set out, I conclude that the development accords with the development plan, and there are no material considerations which indicate that permission should be withheld. Therefore, the appeal should be allowed. Given development has been completed, no conditions are necessary, but I shall list the relevant plans in the formal decision for clarity.

K Savage

INSPECTOR