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## Appeal Decision

Site visit made on 6 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 January 2025**

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**Appeal Ref: APP/B1550/D/24/3349656**

**20 Paignton Close, Rayleigh, Essex SS6 9PW**

- 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 Lorna Johnston against the decision of Rochford District Council.
  - The application Ref is 24/00311/FUL.
  - The development proposed is erection of a 2 metre high fence on side boundary.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of proposed development from the Council's decision notice as this clearly describes the act of development only.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

### Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

5. The Council's Supplementary Planning Document (SPD) 2 'Housing Design' states that grass verges and open amenity areas were usually intended to be an integral part of estate design and layout. Where such areas continue to make an important contribution in this respect and where neglect is not a problem the Local Planning Authority will prefer to see their retention rather than enclosure into an adjacent private garden. Enclosure in these cases can result in a significant change in the overall design, layout and symmetry of an estate or locality to the detriment of the amenity of all the residents.
6. The majority of dwellings in the locality host open frontages or low level boundary treatments such as hedging, vegetation or dwarf brick walls. The appeal property and No.1 Paignton Close side onto Teignmouth Drive. Their side flank elevations are roughly in line with the building line of the dwellings fronting onto Teignmouth Drive. To the side these properties host unenclosed spaces adjacent to Teignmouth Drive.

7. These open frontages and side spaces contribute to both the character and appearance of the development along Teignmouth Drive. This openness is a visually pleasing attribute to the appearance of the area and provides Teignmouth Drive with a distinctiveness giving it a sense of place. The open space to the side of the appeal property contributes positively to this openness and the attractiveness of the street scene. The creation of a fence to enclose the side area of the appeal property would be a visually intrusive feature that would detract from the open and attractive quality of the environment. For these reasons the proposed development would be visually harmful.
8. Nos 155 and 157 Teignmouth Drive host fence boundaries that run alongside the Teignmouth Drive highway not far from the appeal site. These boundaries enclose rear gardens of properties that front onto Down Hall Road. I have also been referred to 2 Dartmouth Close, a little further along Teignmouth Drive. I saw that that property is a corner property with its front aspect perpendicular to Teignmouth Drive. That property has a tall boundary enclosure alongside Teignmouth Drive adjacent to the footpath and highway. I acknowledge that there are other examples of enclosed space along Teignmouth Drive. However, these do not justify further such development where harm would result.
9. Enclosing the existing open space at the side of the property would reduce the impact of antisocial behaviour by passers-by who drop items within the garden. I accept that this would be a benefit for the appellants. No objection has been raised to the proposal from the highway authority or from neighbouring occupiers in regard of the street scene in general. I have no doubt that a fence of an appropriate standard could be erected at the site. Whilst these are merits of the proposed development, they do not outweigh my above concerns or justify the proposed development.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policy CP1 of the Rochford District Council Core Strategy 2011, Policy DM1 of the Rochford District Council Development Management Plan 2014, Section 16 of SPD2 'Housing Design' and the provision of the Framework. These policies and SPD seek, amongst other matters, development to be of high quality design, which has regard to the character of the local area.

### **Other matters**

11. My discussion above makes reference to No 155 Down Hall Road. The parties have both made reference to No 165 Down Hall Road. From the discussions provided it appears the reference to No165 is an error as the fence enclosing the rear garden of No 155 runs alongside Teignmouth Drive. No 165 Down Hall Road does not abut Teignmouth Drive. Furthermore, this address, No 155 Down Hall Road, corresponds with that shown on the Location Plan that supports the proposal.

### **Conclusion**

12. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR