



Appeal Decision

Site visit made on 5 February 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/W1525/D/24/3356791

54 Roxwell Road, Chelmsford, Essex, CM1 2ND

- 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 Sati Basi against the decision of Chelmsford City Council.
 - The application reference is 24/01182/FUL.
 - The development proposed is retrospective application for the retention of brick boundary walls with gates and a vehicle crossover.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application, and the submission of this appeal, the revised National Planning Policy Framework 2024 (the Framework) came into force on 12 December 2024. The refusal reasons reference the Framework. Given the refusal reasons and the nature of the main changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.

Main Issue

4. The main issues are the impact of the proposal upon i) the character of the area and ii) highway safety.

Reasons

Character of the area

5. The appeal site stands in a corner plot which is adjacent to the junction between Roxwell Road and Highfield Road. As noted, in the context of the second main issue below, the A1060 (Roxwell Road) is a main distributor road in the Essex County Council route hierarchy. The appeal site is elevated and in a visually prominent location. The proposal seeks to retain a brick wall and steel entrance gates, with the wall running along the southern and eastern boundary of the site along Roxwell Road and Highfield Road, respectively. In total, the wall has a length in the region of 44 metres, wrapping around the site, with a height in the region of 2 metres. The bottom half of the brick wall has been treated with a grey, unnatural, finish and the wall, and gates, are noted to have replaced a previous red brick wall which had close boarded timber panels on top.

6. The appellant outlined, within their Statement of Case, that the wall which the proposal replaces was higher than that which is before me. It is not within the scope of this appeal to consider whether or not the proposal is a replacement for a fence which is, in terms of definitive plans, of unspecified and unevidenced height. Should the proposal be contended to be of the same, or lower, height than the boundary treatment that was replaced within the context of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A then such an approach should be the subject of an application for a Certificate of Lawfulness. I have, therefore, considered the proposal before me on its own merits. Notwithstanding this the proposal is also for a vehicle cross over as considered within the second main issue which would require permission.
7. The images provided by the appellant demonstrate that the brick wall element of previous boundary treatment was nonetheless lower based upon the comparison to a dog walker adjacent to the wall. The materials that are demonstrated within the submitted photographs show that the previous boundary treatment was constructed of more appropriate materials as well as being supplemented by soft landscaping features (which have now been removed) which overall softened, and made appropriate, the boundary appearance within the context of the appeal site.
8. At the time of my site visit I noted that there are other examples of walls and fences within the locality along both Highfield Road and Roxwell Road as well as low level walls with timber fence panels which the Council confirm measure in the region of 1.8 to 2 metres in height. Despite this, the majority of other properties within the locality are characterised by low level boundary features which are varied in terms of picket and low-level close boarded fencing, soft landscaping, and low-level brick walls. The average height of boundary treatments within the locality are lower than that which are within the proposal before me. There are no examples of brick walling of the cumulative length, height and design as that within this appeal proposal – the boundary would therefore appear uncharacteristic.
9. The typical character and appearance within the street scene of Roxwell Road and Highfield Road, within which the appeal proposal would be viewed, are that boundaries utilise a red/brown coloured brick which are softened by a variety of bushes, plants and soft landscaping features which soften the solid boundary treatments. The materials utilised within the locality are more similar to that which previously existed at the appeal site as demonstrated by the appellant.
10. The brick, steel gates and finish to the bottom of the wall within the appeal site are entirely contrary to that found within the locality which results in them presenting as a visually alien feature within the street scene. The combined colour, height and length of the wall and the proposed gates are visually more urban and result in a starker appearance than other boundary features within the locality.
11. The height is noted to be similar to the fencing opposite, at 52 Roxwell Road, but in the case before me the wall is in the region of 44 metres in length which results in it being the full length of the appeal site boundary along both Roxwell Road and Highfield Road which results in a significantly more prominent length of boundary treatment within a visually prominent corner location. 52 Roxwell Road has, for example, retained a much softer boundary treatment to the front elevation which provides visual contrast at the entrance to Highfield Road compared to the proposal that is before me which, as outlined, wraps solidly around the entire frontage of the appeal site.

12. I note the appellant's stated need, and reasoning, for the fencing in relation to use of the garden and I accept, from the photographs, that it appeared that the former wall and wooden fencing was unsafe and in need of replacement. Despite this, I do not find that the replacement is appropriate and whilst I note it is outlined that the proposal took into consideration the prominent stand-alone corner position of the site – I do not find height, design, colour, and texture to be appropriate in the context of the immediate locality as outlined. The starting point for determination is the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and I do not find that the Local Plan is more relevant to larger residential developments, new dwellings, and major extensions. Good design is key, and at the heart of, sustainable development and is applicable to all applications regardless of their scale.
13. I have no evidence before me to consider that the previous boundary treatment was a blot on the landscape that would justify the current proposal and whilst it may well have needed replacing, I do not find that, in this case, it has been replaced with a more sympathetic structure. Overall, I find that the proposal is visually dominant and intrusive compared to boundary treatments within the locality due to scale, height and design and that the proposal is unsympathetic to the character and appearance of the surrounding area as a result of failing to respond to local context. Even if I had found the height, as constructed, appropriate - I find the proposal is unacceptable in terms of design and choice of materials.
14. The proposal would be contrary to Chelmsford Local Plan 2020 Policy DM23 which outlines that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architect, materials, boundary treatments and landscape. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure that development will function well and add to the overall quality of the area and are sympathetic to local character, and history, including the surrounding built environment and landscape setting.

Highway safety

15. Roxwell Road is a main distributor (A Road) which the Council confirm as having a function to carry traffic safely and efficiently between major cities within the County. At the time of my site visit, I found that the roads around the appeal site were generally busy albeit I appreciate that this is a snapshot in time. The construction of a brick wall to the south and southwest of the vehicular access restricts visibility with particular regard to vehicles turning left into Highfield Road, from Roxwell Road, which would result in notably substandard visibility splays (on the basis that visibility splays should be 2.4 metres x 70 metres).
16. The visibility splay for vehicular access would fall substantially short of that required which would create an unacceptable degree of risk of collision for both emerging and approaching vehicles with particular regard to vehicles turning left into Highfield Road from the main distributor road itself. This would then be combined with a steel sliding gate which would not be set back the recommended minimum 6 metre distance to park clear and off carriageway to allow a vehicle waiting at the gate, for it to be opened, which would further contribute to the increased risk of collision which would be detrimental to highway safety.

17. The appellant's Statement of Case notes that the Highway Department is the predominant decision-maker when it comes to highways access and egress from the property with particular reference to design and safety. Reference is made to an attached email from the Council's Highway Department; however, no email appears to have been attached to the Statement of Case that is before me with the appeal form referencing 4 files uploaded (in addition to the appeal statement) – none of which are the email in question.
18. Whilst I take into account the appellant's comments, I can see that Essex County Council Highways commented, during the application process, that from a highway transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the reasons I have outlined above. The Highway Authority did outline that it may support a revised proposal subject to the suggestions provided, however, it is not within the scope of this appeal to consider alternative schemes. Any revised schemes would be subject to a new application to be considered as appropriate by the Council.
19. Based upon the evidence before me and my findings at the time of my site visit (which are supported by third party comments during the application period), I find that the proposal, as submitted, would result in unacceptable impact to highway safety with paragraph 116 of the Framework confirming that development should be prevented or refused on highway grounds if there would be an acceptable impact on highway safety.

Other Matters

20. I note third party comments in relation to the proposal. I have dealt with matters relating to character, appearance, height, and design of the proposal within the context of the first main issue outlined above. Comments regarding highway safety are also acknowledged, however, this has been dealt with in the context of the highway consultee comments received against the second main issue above.
21. I can see that other comments have been made as to discrepancies within the application documents themselves, for example, relating to pruning of existing vegetation, or increase in parking facilities within the appeal site. I can see, from the images provided by the appellant, that boundary vegetation has been removed and whether the proposal has, or has not, affected existing parking arrangements is not, in this case, determinative of the main issues before me. In this case, for the reasons outlined above, I found the proposal to be inappropriate in terms of character and appearance of the appeal site and its immediate setting as well as being unacceptable in terms of impact to highway safety.

Conclusion

22. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR