



Appeal Decisions

Site visit made on 7 April 2025

by **Mr James Blackwell LLB (Hons) PGDip, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal A Ref: APP/V1505/C/24/3337371

60 London Road, Wickford, Essex SS12 0AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Paula Cantwell against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 9 January 2024.
- The breach of planning control as alleged in the notice is “Without planning permission, the erection of fencing on top of an existing brick wall, resulting in height in excess of one (1) metre adjacent to a highway (in approximate position shown by the blue line “A” to “B” on the attached notice plan)”.
- The requirements of the notice are to: (i) Permanently remove the fencing and galvanised metal support posts from on top of the existing brick wall which is adjacent to a highway (in the approximate position shown by the blue line “A” to “B” on the attached notice plan); and (ii) Permanently remove all resultant materials from the works done in compliance with requirement (i) from the site.
- The period for compliance with the requirements is four months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/V1505/W/23/3332151

60 London Road, Wickford, Essex SS12 0AN

- 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 Mrs Paula Cantwell against the decision of Basildon Borough Council.
- The application Ref is 23/00954/FULL.
- The development, which is retrospective, is the erection of fencing on top of existing brick wall.

Summary Decision: The appeal is allowed and planning permission is granted.

Preliminary Matters

1. Both appeals concern the erection of fencing on the top of a pre-existing front boundary wall to the appeal property. Appeal A relates to an enforcement notice issued in connection with the development and Appeal B relates to the refusal of planning permission for the same. As both appeals concern the same development, I have dealt with them together in the same decision notice.

APPEAL A (ENFORCEMENT NOTICE)

Ground (a)

2. The sole main issue in respect of the ground (a) appeal, which is the deemed planning application for the development, is its effect on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal property is a residential dwelling on the northern side of London Road, which is a busy A Road running through Wickford. Whilst much of the road is residential, there are several commercial premises in close proximity to the appeal dwelling, which include a dentist, a chiropractor and a nursery. There is also a church opposite. The character of the road is therefore mixed.
4. A timber fence has been erected above a pre-existing boundary wall to the appeal property, which fronts on to the pavement. It increases the overall height of the boundary treatment by approximately 0.7 metres. The height of the appeal dwelling, which is three storeys, ensures the elevated boundary treatment is seen as a proportionate addition to the property, without it appearing overly dominant. The wall and fence have also been constructed to a high standard, and in design terms, complement the appearance of the dwelling.
5. The commercial properties which neighbour the appeal dwelling incorporate customer parking areas along their frontage. In turn, this part of London Road appears particularly mixed in appearance, and lacks any notable degree of uniformity. Whilst the frontages to some neighbouring properties are more open in appearance, this general lack of uniformity ensures the more enclosed frontage to the appeal dwelling does not appear discordant within the street scene.
6. Boundary treatments along the road are also mixed, both in terms of height and design, and include a combination of walls, railings, hedgerow and fencing. This variety in boundary treatments, which is particularly evident between nos. 86 – 96, helps ensure the development integrates effectively within the wider street scene, as its height and materials are not unique.
7. For these reasons, the development preserves the character and appearance of the host dwelling and the surrounding area. It is consistent with saved policy BAS BE12 of the Basildon District Local Plan (2007), which seeks to ensure residential development does not harm the character and appearance of the area or the street scene. The development is also consistent with the overarching design objectives of the National Planning Policy Framework (2024).

Conditions

8. I do not consider any conditions are necessary to make the development acceptable in planning terms, which reflects the position of the Council.

Conclusion

9. The development is consistent with the development plan and Appeal A therefore succeeds on ground (a). I shall grant planning permission for the development as described in the notice, and the enforcement notice will be quashed.

APPEAL B (PLANNING APPLICATION REFUSAL)

10. I have taken the description of development from the allegation in the enforcement notice, as this most accurately reflects the development carried out. This also ensures consistency between the two appeals, given both relate to the same development.

11. The sole main issue with regard to the refusal of planning permission is the same as with the ground (a) enforcement appeal. My conclusions are therefore the same, and consequently, Appeal B is also allowed.

Formal Decisions

Appeal A

12. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of fencing on top of an existing brick wall at 60 London Road, Wickford, Essex SS12 0AN as shown on the plan attached to the notice.
13. In these circumstances the appeal on ground (f) does not fall to be considered.

Appeal B

14. Appeal B is allowed and planning permission is granted for the erection of fencing on top of existing brick wall, in accordance with the terms of the application, Ref 23/00954/FULL, and the plans submitted with it.

Mr James Blackwell

INSPECTOR