



Appeal Decision

Site visit made on 26 March 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/N1540/D/24/3350656

76, Pittmans Field, Harlow, Essex CM20 3LB

- 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 Cara Sheridan against the decision of Harlow District Council.
 - The application Ref is HW/HSE/24/00125.
 - The development proposed is described as 'moving the existing garden fence forward to cover the front garden and to increase the back garden size. Change fence panels. Insert a front gate at the front of the house for security all within the boundary. Add a much smaller fence to the right hand side of the house and round to the front gate for security and to prevent trespassers from ruining the front grass'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 12 December 2024, the Government published a revised National Planning Policy Framework. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a three storey end of terrace dwelling on Pittmans Field. The road is part of a carefully planned housing estate, with a prevailing verdant, open character resulting from the open frontages on properties, grass verges and landscaped areas throughout the estate. This open verdant character positively contributes to the character and appearance of the area.
5. Despite retaining the grass, the enclosure of the verge by close boarded fencing, would appear stark in the street scene and fail to protect or enhance the prevailing open qualities of the estate. This would result in significant harm to the character and appearance of the area and diminish the open verdant character of the estate by a marked degree.
6. Reference is made to the fencing being required to prevent people treading on or removing flowers, cars parking on the verge and the grass being covered in dog

and cat faeces. However, there does not seem to be any reasons in the evidence why alternative solutions more in keeping with the prevailing character and appearance of the area could not achieve the same aim. In addition, whilst the appellant owns and maintains the outside area, maintenance of the land is not dependant on its enclosure with a fence.

7. The appellant refers to 14 properties on Pittmans Field that have erected fences, and an example of a wall erected on a property in the neighbouring estate. I do not know the planning circumstances nor precise locations of the examples given and, in any event, they are not indicative of the character and appearance of the immediate area of the appeal site nor the prevailing character of the estate.
8. For the reasons identified above, the proposed development would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to policies PL1 and PL6 of the Harlow Local Development Plan¹. These policies require new development to protect, enhance or improve local distinctiveness and not compromise landscape character and openness.

Other Matters

9. The appellant refers to covenant consent that has been sought. Private covenants are a civil matter and not within the remit of planning control. As such, the existence of this consent has no bearing on the determination of this appeal.
10. I note reference to the fence being required for the quiet enjoyment of the land, additional storage and to secure neighbouring bins. Whilst an extended garden area would be advantageous for the appellant, given that there is an existing private rear garden, the benefit would not outweigh the harm to the character and appearance of the area identified.
11. The appellant suggests that the design of fence could be changed. However, the appeal process should not be used to evolve a scheme. If the appellant considers that a modified design i.e. a picket fence, would overcome the Council's concerns, a fresh planning application should be made.
12. The cost of the proposal and absence of representations from neighbours does not imply that the proposal would not negatively affect the character and appearance of the area.

Conclusion

13. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.

V Goldberg

INSPECTOR

¹ Adopted in December 2020