



Appeal Decision

Site visit made on 14th May 2025

by **P H Wallace BSc (Hons) DipMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/M1595/D/25/3361469

35 Chelmer Drive, South Ockendon, Essex RM15 6EE

- 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 Mr Abiodun Olatinwo against the decision of Thurrock Council.
 - The application Ref is 24/01132/HHA.
 - The development proposed is the erection of a wooden fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is described in the planning application as, “Retrospective permission to retain a front perimeter barrier, 2m wide, galvanized, 60 mm hoop barrier.” The plans considered by the Council included an “existing plan and elevation” depicting a galvanised hoop barrier, a “pre-existing plan and elevation” showing no structure and a “proposed plan and elevation” illustrating a proposed 0.9m high wooden fence, as a replacement for the hoop barrier. The Council’s decision describes the development as, “(Retrospective) Retention of galvanised hoop barrier and proposed replacement with wooden fence”. The officer report and reason for refusal assesses the planning merits of the wooden fence only. The appellants appeal questionnaire confirms the description as adopted by the Council although his appeal statement refers to the planning application seeking permission for a 0.9m high wooden fence and provides comments in respect of this matter only.
3. Notwithstanding the description of development taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a wooden fence. Given the notable difference from the original description and to an extent that adopted by the Council, the appellant and Council were informed of the proposed change to the description of development and invited to comment. As no comments were received, I have adopted the description set out in the banner heading above and have determined the appeal on this basis.
4. The appellant suggests that the fence is permitted development. However, whether this is the case or not is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to the Council to have the matter determined under

sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

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

Reasons

6. The appeal concerns a mid-terraced property within a cul-de-sac in a planned estate development. The space in front of the terrace functions as a parking court, generally characterized by the absence of vertical barriers or structural delineation. The unmarked parking areas, belonging to individual mid-terraced dwellings, are surfaced in asphalt matching the rest of the cul-de-sac and separated by short, narrow paved paths providing direct access to the main entrances of the properties. The overall character is defined by a simple, uniform and understated open layout.
7. To some degree in tension with this character are two modestly sized galvanised hooped barriers in an L-shaped configuration within the northwest corner of the parking area of the appeal property. These align with and run parallel to the path leading to the neighbouring dwelling (No.33) and a narrow grass strip adjacent to the front wall of that property which features a ground-floor window.
8. The proposed development would replace these unauthorised barriers with a 0.9m high solid wooden fence. While matching the alignment and approximate height of the barrier, it would be a little longer where adjoining the path.
9. Notwithstanding its limited height, the solid appearance of the fence, when viewed within the context of the parking court as a whole, would contrast sharply with the prevailing open character. Its configuration, coverage, and siting would introduce a distinct and prominent form of delineation, inconsistent with, and isolated, from other local boundary features. Overall, I consider the development would conflict with the visually permeable layout, a defining feature of the cul-de-sac, and appear as an intrusive and discordant feature that would disrupt the uniformity and cohesion of the streetscape.
10. For the reasons given, the proposed development would be harmful to the character and appearance of the area. In this regard, it would conflict with Policies CSTP22 and PMD2 of the adopted Core Strategy (2015) which seek to achieve high quality and contextually sensitive designs, the Residential Alterations and Extensions SPD (2017) which requires boundary structures to enhance the character of the street and the National Planning Policy Framework which seeks to ensure development is sympathetic to local character.

Other Matters

11. The appellant has drawn my attention to other wooden boundary fences in the area which appear to define property boundaries and are separately positioned forward of the front walls of dwellings. No evidence has been provided that enables me to understand the circumstances under which these were built, be it by planning permission or otherwise. Nevertheless, the examples appear consistent with what I viewed during my site visit, where means of enclosure are generally restricted to property gardens, including front garden areas, where delineation includes hedging and planting but also low rise fencing as conveyed by the information provided. In

my view, this is distinct from the appeal proposal which relates to proposed fencing within a parking court having a notably open plan character. Each case must be assessed on its own merits, and it has not been demonstrated that the boundary fences referred to are comparable to the appeal before me.

Conclusion

12. I conclude the proposal would conflict with the development plan and material considerations do not indicate the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

PH Wallace

INSPECTOR