
Appeal Decision

Site visit made on 30 September 2025 by E Nutman BA (Hons)

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2025

Appeal Ref: APP/P1560/D/25/3368714

Crossways, Wignall Street, Lawford, Essex CO11 2JL

- 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 Timothy Bichara against the decision of Tendring District Council.
 - The application Ref is 25/00630/FULHH.
 - The development proposed is 'Installation of a 2.65m acoustic fence to minimise noise in garden.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have taken the description of development from the council's decision notice for clarity and conciseness.

Main Issue

4. The main issue of the appeal is whether it would enhance or preserve the character and appearance of the area, including the Lawford conservation area (CA); and the setting of Grade II Listed Building 'The Kings Arms.'

Reasons for the Recommendation

5. The significance of the CA area arises from its clear legibility as a small historic rural settlement. Lawford Conservation Area Appraisal and Management Plan (LCAAMP) (2024) refers to the appeal site as a vernacular cottage with pink rendered walls and a substantial roof of old clay tiles which lies within 'Character Area Three: Wignall Street and Hungerdown Lane'. Crossways is identified as a building of positive contribution to the character and appearance of the CA within the LCAAMP (2024). Boundary treatments seen to the frontages of property are a mixture of brick walls, fencing or hedgerow. The solid boundary treatments such as fencing and brick walls predominantly sit at a low level. The LCAAMP identifies that front and side gardens comprise the landscaping and areas of open space that contribute positively to the appearance of the CA. The appeal site sits on a corner plot where Wignall Street meets Hungerdown Lane and can currently be seen with 1.8m fencing to its frontage, which is partially obscured by hedging.

Notwithstanding the existing fence, its historic form and visibility contribute positively to the character and appearance of the CA.

6. The appeal site sits within the setting of the Grade II Listed Buildings 'The King's Arms.' Its significance is largely derived from its historic and architectural importance to which its timber-frame and painted brick constructed building with a clay tile roof all contribute. It sits at the back edge of the footpath giving it a prominence in the street scene and it is experienced in views of the street with Crossways, where the gable ends of each property are visible.
7. The fencing proposed would be of a significant height and its solid appearance would be highly visible given the property's positioning on a corner plot positioned next to a junction. This would result in an incongruous and prominent feature within the street scene. The appellant contends that they would accept a condition being imposed, requiring the retention of the existing hedging to screen the fencing. Whilst I have taken this into account, the fence would still be partially visible over the top of the hedge, and it would take some time to grow. Furthermore, the enforceability of the condition would be limited and thus its effectiveness in maintaining the appearance of the surrounding heritage assets does not overcome my concerns.
8. Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA and preserving the setting of the listed building. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
9. As defined within the Framework, the setting of a heritage asset is the surroundings in which the heritage asset is experienced. As set out above, the significance of the CA derives from its rural character and use of traditional materials as seen within the appeal property and 'The King's Arms.' 'The King's Arms' is highly visible when travelling west along Wignall Street, due to the openness surrounding the junction that Crossways sits adjacent to. The fencing proposed will be present in views of the listed building. Whilst timber board fencing is seen within the area, the combined height and solid appearance of the fence would result in the structure becoming a prominent and incongruous feature. Consequently, the proposal results in a harsh boundary treatment to Crossway's frontage which would be harmful to both the setting of the listed building and the appearance of the CA.
10. In terms of the approach set out in the framework, due to the scale of the proposal, the harm to significance of both the heritage assets would be less than substantial at the lower end of the spectrum. Nevertheless, such harm attracts considerable importance and weight. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework. The benefits of the scheme appear to be mostly to the private interests of the occupants. While there would be some economic benefits in the purchase of materials and equipment these would be limited and would not outweigh the considerable importance and weight, I give to the harm caused to the aforementioned heritage assets.

11. I conclude, the proposal would fail to preserve the character or appearance of the conservation area and setting of the Grade II listed building. Consequently it would be contrary to Policies SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 (2021), PPL8 and PPL9 of the Tendring District Local Plan (2022) and Beyond Section 2 which, amongst other matters, require development to relate positively to local character and to also have regard to the desirability of preserving or enhancing the special character and appearance of the area and the setting of any listed buildings, especially in terms of scale and design.

Other Matters

12. The appellant states that the fence is required to assist in reducing traffic noise from the road for the appellant's family. Given the personal circumstances of the appellant a quiet garden would be beneficial for the residents, and I give this significant weight. However, while an acoustic fence would limit noise from the road, there is no compelling evidence to suggest that such needs could not be met through a design which results in a lesser impact on the character and appearance of the area than the appeal scheme.
13. The acoustic fence assessment sets out that the data was collected over a 3 -hour period from one day. Considering this short period of time in which data was taken from, I am unable to fully assess the benefit of the scheme as it is unknown whether this is the usual level of noise that arises from the road traffic.
14. The matter of the existing 1.8m fence and its compliance with permitted development regulations has been raised. Even if it is permitted development, the proposed increase in height from the existing fence is substantial and therefore it does not form a fall back position to which I can give significant weight.

Conclusion and Recommendation

15. For the reasons given above the proposal would conflict with the development plan as a whole. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010 but given the clear public interest in protecting heritage assets I am satisfied that the dismissal of the appeal is necessary and proportionate. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR