



Appeal Decision

Site visit made on 18 November 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/A1530/D/25/3371533

23 Creffield Road, Colchester, CO3 3JA

- 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 Kerry Rose against the decision of Colchester City Council.
 - The application Ref is 251169.
 - The development proposed is the erection of a boundary wall (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary wall at 23 Creffield Road, Colchester, CO3 3JA in accordance with the terms of the application Ref 251169, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in complete accordance with the approved plan, drawing reference PA-100-A dated February 2025.

Main Issue

2. The main issue in this case is the effect of the appearance of the wall as built on the character of the Conservation Area and the streetscene.

Reasons

3. The appeal site is at the frontage to 2 recently constructed dwellings situated within Conservation Area 2. The appeal seeks retrospective permission for the erection of a wall that encloses the front boundary to the highway of both dwellings, Nos 23 and 23a Creffield Road, including canting in at the entrance which serves both dwellings. Since the site is within the conservation area, I have a duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
4. For the appellant it is explained that the height of the dwarf wall is due to the ground levels and the tree roots behind the western part of the wall. From what I could see at my site visit, it appears that the ground levels immediately behind the wall have been raised. I formed this view because it is clear that the epicormic growth on the lime trees now appear to begin below the current surface.
5. Whilst it is acknowledged by the council that a small dwarf wall with railings above, between brick piers, is a traditional form of enclosure, the constructed dwarf wall is criticised as being too tall, with short railings giving an unsatisfactory appearance. My site visit revealed that along a substantial length of Creffield Road either side of the appeal site there was no uniformity in front boundary enclosures, and those that

were 'walls with piers and railings' were not markedly different to the appeal walls. A further consideration is that at present the 2 early-mature/mature lime trees, immediately behind the western section of the wall, seem to be thriving, making a contribution to the character and appearance of the conservation area. Further disturbance to their roots should be avoided if possible.

6. I consider that the built walls are acceptable in terms of the height of the dwarf wall, the piers and the railings. What is entirely unsatisfactory however, is the way that the cant into the entrance on the eastern section was handled, made more difficult by the absence of a pier at the change of direction and the absence of cant bricks. There is also an unfortunate abrupt change in the level of the copings, which again results from the absence of a pier or from more care in respect of levels.
7. These shortcomings have been addressed in the appeal proposals. A pier has been introduced at the point of the eastern cant that overcomes the poor form of this part of the wall. I will therefore allow the appeal.

Conditions

8. Since the wall is in place, the statutory condition that provides a time limit on the start of development is not necessary. The council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). The first suggested condition is that the development shall be carried out in accordance with the plans. I agree that this is necessary for certainty and avoidance of doubt as to the development permitted. The second condition suggested by the council is that the materials shall be those specified on the application form and drawings. I do not consider that this is necessary since the majority of the wall is in place and will not be altered, and there is already the requirement to build in accordance with the plans.
9. The grant of this permission does not ensure that the wall will be altered in accordance with the permitted details. However, in the absence of the alterations to the existing wall being carried out, the council would be able to consider enforcement action against the retention of development without planning permission.

Terrence Kemmann-Lane

INSPECTOR