
Appeal Decision

Site visit made on 17 August 2015

by Anne Napier BA(Hons) MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26/08/2015

Appeal Ref: APP/J1535/D/15/3070011

Norlands, 2 Chigwell Park, Chigwell, Essex IG7 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sivanesan Subramaniam against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0037/15, dated 7 January 2015, was refused by notice dated 29 April 2015.
 - The development proposed is erection of new 1.6m electric gate and painted black steel railings to front wall.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new 1.6m electric gate and painted black steel railings to front wall at Norlands, 2 Chigwell Park, Chigwell, Essex IG7 5BE in accordance with the terms of the application, Ref PL/EPF/0037/15, dated 7 January 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SS-FB-101, SS-FB-102, SS-FB-103, SS-FB-104/A, SS-FB-105/A, SS-FB-106 and SS-FB-107.
 - 3) The gates and railings hereby permitted shall be painted black and retained as such thereafter.

Preliminary Matter

2. At the time of my visit, the appeal site was enclosed by hoardings located within the wall on the site frontage. In addition, extensions appear to have taken place to the roof of the appeal dwelling. From the details provided, I am satisfied that neither of these matters form part of the current appeal proposal, which I intend to consider on the basis of the submitted details and in light of all representations received.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within a predominantly residential area and is situated in relatively close proximity to the junction of Chigwell Park with the main High Road. The relatively narrow carriageway, wide verges and mature street trees contribute to the distinctly leafy and attractive suburban character of this part of Chigwell Park, which is markedly different to that of the nearby busy road. The dwellings close to the appeal site are set back some distance from the road, most with relatively open frontages, low walls and planting. This layout and the general absence of high frontage enclosures contributes to the distinctive character of the area.
5. The frontage of the appeal site is currently enclosed by a relatively low wall and the proposal would notably alter the appearance of this structure. However, the detailed design and colour of the wall are such that it is very different in appearance and height to most of the other low walls nearby. In addition, the appeal dwelling forms the end house in a row of similar dwellings and is located immediately adjacent to a property fronting High Road, which has a relatively high close boarded fence to its boundary with Chigwell Park. The opposite corner of the junction is also enclosed by a high boundary fence, with additional fencing on the frontage of the adjacent garage.
6. As a result, whilst some variety in enclosure also exists elsewhere, the area of Chigwell Park close to the junction with High Road has a much higher degree of enclosure than the remainder of the street. Accordingly, although the proposal would alter the appearance of the site, the wider impact of this on the streetscene would be relatively limited in this particular case. In addition, the undulating profile of the proposal would reduce the perceived height of the gate and railings and, although the width of the access is relatively wide, the detailed design of the proposal would not prevent public views into the site.
7. As such, I consider that the appeal scheme would represent a transition between the solid forms of boundary enclosure closer to the junction with the main road and the more open site frontages elsewhere. For these reasons, I find overall that the height and design of the railings would not be incongruous, but would be appropriate additions to the site frontage that would not detract from the important qualities of the local area.
8. Accordingly, I conclude that the effect of the proposal on the character and appearance of the area would be acceptable. It would be in accordance with the aims of the *Epping Forest Local Plan 1998* Policy DBE2, which seeks to protect local character and appearance. It would also not conflict with the aims of paragraph 17 of the National Planning Policy Framework, to achieve high quality design and take account of the different roles and character of different areas.

Other matters

9. Although local concerns have been expressed about the impact of the proposed gate on highway safety, having regard to the local highway network, the design of the gate, its siting and relationship to the adjacent footway and verge, I am satisfied that the proposal would not be harmful to users of the highway, including pedestrians. As such, this matter does not lead me to alter my findings above.

10. Concerns have also been raised that the grant of planning permission would set an undesirable precedent for other proposals of a similar nature, which could have a significant cumulative effect on the character of the area. However, each application and appeal must be determined on its individual merits. For the reasons given, I have found this particular proposal would be acceptable and, as such, I can see no reason why it would lead to harmful developments on other sites within the area. Consequently, a generalised concern of this nature does not justify withholding permission in this particular case.
11. I understand that a previous form of enclosure on the site was refused, and was subsequently removed following enforcement action, and that a further proposal was also refused permission. I do not have full details of these previous schemes or the background to those decisions. However, from the limited details available to me, these previous schemes appear to have been materially different to the current proposal, particularly in terms of height. As such, they do not lead me to alter my findings above or represent a compelling reason to find against this particular proposal.
12. Issues have also been raised in support of the proposal that relate to security, the pre-application advice provided by the Council and the recommendation of approval in respect of the application. However, given my findings above, it is not necessary for me to consider any of these matters further.

Conditions and conclusion

13. I have considered the Council's suggested conditions in the light of the Planning Practice Guidance. For the avoidance of doubt and in the interests of proper planning, it is necessary that the development is carried out in accordance with the approved plans. In addition, it is necessary that the gates and railings are painted black and remain this colour, in the interests of the character and appearance of the area.
14. For the above reasons and having regard to all other matters raised, including the comments of the Parish Council, I conclude that the appeal should be allowed.

Anne Napier

INSPECTOR