



Appeal Decision

Site visit made on 11 May 2010

by **David Nicholson** RIBA IHBC

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

The Planning Inspectorate
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Decision date:
14 May 2010

Appeal Ref: APP/J1535/D/10/2126430
3 Middle Boy, Abridge, Romford RM4 1DT

- 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 Ronald Gunning against the decision of Epping Forest District Council.
- The application Ref PL/EPF/0141/10, dated 19 January 2010, was refused by notice dated 23 March 2010.
- The development proposed is removal of Leylandii tree, replace existing brick dwarf wall with chain link fencing above with concrete gravel boards and good quality feather edged close boarded panels and trellis.

Decision

1. **I dismiss the appeal.**

Procedural Matter

2. The tree, dwarf wall and chain link fencing have been removed and a fence similar to that proposed has been erected.

Main issue

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

Reasons

4. Middle Boy is a residential street with houses set back behind front gardens. Most of the front gardens are open or have low front walls. No.3 stands on a bend in Middle Boy such that its front boundary extends not only to the area in front of the house but around the corner as well. The proposed fence panels would stand 2.1m high on the back of the footway. The fencing would run from a point in front of the house, but to one side, around the corner. It would differ from that erected in that the top section would be an open trellis rather than solid boards.
 5. The proposed fencing would be considerably taller than the majority of front boundary walls in the area and much of it would stand forward of the line of the front wall of the house. It would be in a prominent position where it would intrude into the relationship between opposing houses. In my assessment the fencing would be a harsh and unattractive development which would harm the openness of the streetscene.
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6. I acknowledge that the house opposite has a substantial hedge enclosing its garden. However, not only is this planting much softer in appearance than the proposed fencing but it is unlikely that the hedge is subject to any planning controls. I have noted, from my visit and from the photographs submitted, that there are a number of other fences in the area but many of these look like they have been there for some time and they only appear in a small proportion of the gardens. In any event, the existence of other fences, some of which damage the streetscene, is not a good reason to allow further harmful fencing to be erected.
7. I note that the appellant had supportive discussions with a planning officer and that the fence replaced taller Leylandii trees and higher chain link fencing. However, I have considered the appeal afresh and on its own merits on the basis of the streetscene and the boundary as I saw it with the previous fencing removed. I sympathise with the appellant's wish to exclude footballs but I find that this would not justify the harm to the area. I accept that in some senses the fencing would be around the rear garden but I find its prominent position on the back of the footway to be a more important consideration.
8. For the above reasons I find that the proposed fencing would harm the character and appearance of the area. It would be contrary to saved Policy DBE1 of the adopted Epping Forest District Local Plan 1998 which requires that new buildings respect their setting with regard to scale, proportion, siting, massing, height, orientation, and detailing.
9. For the reasons given above I conclude that the appeal should be dismissed.

David Nicholson

INSPECTOR