

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	12/06/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:		
Team Leader authorisation / sign off:	ML	20/06/2025
Assistant Planner final checks and despatch:	ER	20/06/2025

Application: 25/00630/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Mr Timothy Bichara

Address: Crossways Wignall Street Lawford

Development: Householder Planning Application - Installation of a 2.65m acoustic fence to minimise noise in garden.

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council has no comment on this application.

2. Consultation Responses

ECC Highways Dept
20.05.2025

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

The development accords with the National Planning Policy Framework 2024 (NPPF) and the Highway Authority's Development Management Policies.

Informative

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Essex County Council
Heritage
16.05.2025

The application is for the installation of a 2.65m high acoustic fence to minimise noise in the garden.

Crossways is an unlisted building located within the Lawford Conservation Area; it occupies a prominent corner plot at the junction of Hungerdown Lane with Harwich Road, where Crossways is also situated opposite the junction of Dedham Road with Harwich Road. As a cottage that dates from at least the first half of the nineteenth century (shown as Plot 169a upon the 1839 Tithe Map), it is considered to be a positive element of 'The Kings Arms' setting, a

Grade II Listed Building (List Entry No. 1254186) located to the northeast. This is because there is intervisibility from the junction of the Listed Building and Crossways, and it is notable that their gabled forms orientated parallel to the road and on opposite sides of the junction creates a pleasant rhythm in the streetscene where their gable ended sides are features.

The 2023 Conservation Area Character Appraisal and Management Plan (CAAMP), identifies that it is a building of positive contribution to the character and appearance of the Conservation Area, furthermore that "Views down Dedham Road into the Conservation Area are focused on Crossway on the southern side of Wignall Street, a vernacular cottage with pink rendered walls and a substantial roof of old clay tiles.", as shown by Figure 10 of the 2006 Conservation Area Character Appraisal. The CAAMP also highlights that front and side gardens comprise the landscaping and areas of open space that contributes positively to the appearance of the Conservation Area.

However, it is noted that the garden of Crossways has been significantly reduced by the construction of two new build dwellings within the garden to the west side of the cottage, permitted by application 22/01984/FUL and the construction of a rear extension under application 22/01893/FULHH. The remaining garden to the east side of Crossways has well-established tree planting/hedging that contributes positively to the streetscape, despite the installation of high (1.8m) close boarded fencing here (permitted by 23/01157/DISCON) which has diminished the openness of the plot.

Consequently, there is no support for this proposal to increase the height of the fencing to 2.65m, on the basis that this would make the incongruous fencing an even more prominent detraction from the otherwise verdant and generally open street scene. It would almost fully obscure the ground storey of the gable ended side of Crossways, a feature of the street scene. This will in turn have a negative impact upon the setting of 'The Kings Arms', in not preserving the positive contribution Crossways makes to the way the Listed Building can be experienced and appreciated within the streetscape.

With regards to the National Planning Policy Framework (NPPF), the level of harm to the Lawford Conservation Area and 'The Kings Arms' as designated heritage assets is considered to be 'less than substantial'. As such the Local Planning Authority should weigh this harm against any public benefits that flow from the new development. Whilst the scale of harm may be 'less than substantial', great weight should be given to the heritage asset's conservation as per the direction of Paragraph 212, and Paragraph 213 requires that clear and convincing justification be provided for any level of harm to the designated heritage assets.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal fails to preserve the setting of the Listed Building (The Kings Arms) contrary to the expectations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and fails to preserve the or enhance the character and appearance of the Conservation Area, contrary to the expectations of Section 72(1) of the Act.

Construction Activities: In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following below is conditioned.

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential dwellings

Tree & Landscape Officer
01.05.2025

The proposed installation of a 2.65m tall acoustic fence in the proposed location has the potential to have an adverse impact on the character and appearance of the local environs situated within the Lawford Conservation Area.

The new fence would be 85cm taller than the existing boundary fence and therefore be more prominent in its setting than the existing fence.

It is noted that at the present time the fence, in situ, is well screened by an existing and established Laurel hedge. The hedge would continue to provide screening benefits for the proposed new fence, but this would only continue whilst the hedge is retained

Whilst the retention of the boundary hedge could be secured by an appropriately worded planning condition it is considered that the erection of such a fence, in a visually prominent location, would have a harmful impact on the character and appearance of the conservation area.

Although the use of planning conditions to secure the long-term retention of soft landscaping to screen structures may be effective it would, in practical terms, be difficult to monitor, control and/or enforce the retention of such vegetation.

The installation of the proposed fence may also set a precedent for similar applications that would, if approved, have a cumulative negative impact on the public realm.

3. Planning History

Land Adj. Crossways:

20/00768/FUL

Erection of 2 no. 3 bedroom detached dwellings including new access.

Approved

12.01.2021

21/00254/FUL	Variation of Condition 8 (Visibility Splay) of Approved Planning Permission ref: 20/00768/FUL (Erection of 2 no. 3 bedroom detached dwellings including new access.). Amendments to site visibility splay to ensure achievable access.	Approved	19.04.2021
22/01646/DISCON	Discharge of conditions 3 (Landscaping Scheme), 7 (Archaeology) and 17 (CMS) of application 21/00254/FUL.	Approved	08.12.2022
22/01893/FULHH	Proposed single storey rear extension.	Approved	20.01.2023
22/01984/FUL	Proposed 2no. dwellings with associated landscaping and parking.	Approved	23.06.2023
23/00349/NMA	Non Material Amendment to application reference 22/01893/FULHH for proposed changes to window positions and sizes on rear elevation, back door moved from side to rear elevation and existing window on side elevation replaced with door.	Approved	22.03.2023
23/00536/FULHH	Proposed 2no dormer windows to the rear elevation	Approved	20.07.2023
23/01157/DISCON	Discharge of condition 3 (Materials) and 4 (Hard and Soft Landscaping) of application 22/01984/FUL.	Approved	28.09.2023
23/01200/NMA	Non Material Amendment to application reference 22/01984/FUL to raise all first floor windows to both houses by 150mm, change patio doors to bifold doors and add kitchen window to East house type, change both patio doorsets to bifold doors to West house type and dormer where applicable adjusted slightly to suit windows.	Approved	03.10.2023
23/01472/DISCON	Discharge of condition 3 (windows and doors) of application 22/01893/FULHH.	Approved	08.12.2023
24/01784/DISCON	Discharge of conditions application for 22/01984/FUL - Condition 17 (Sustainability/Renewable Energy)	Approved	27.01.2025
24/01785/FUL	Planning Application - Erection of a 1.2M high fence.	Approved	31.01.2025

Crossways:

23/01316/NMA	Non-Material Amendment to application reference 23/00536/FULHH to change from pitched roof dormers to flat roofs.	Approved	06.10.2023
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The position of the top of the dormer remains the same, but the window pane of the dormer is shifted up to eye level.

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2025 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL8 Conservation Areas
PPL9 Listed Buildings

Supplementary Planning Guidance:

Essex Design Guide

[Lawford Conservation Area Character Appraisal and Management Plan 2024](#)

Local Planning Guidance

[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal

Application Site

The application relates to the property known as Crossways; an unlisted dwelling located within the Lawford Conservation Area. The property occupies a prominent corner plot on the junction of Hungerdown Lane with Harwich Road/Wignall Street. The junction of Dedham Road with Harwich Road lies opposite the property.

The site is located within Harwich Road/Wignall Street; however, its side and rear elevation can be seen from Hungerdown Lane.

The side boundary of the application site is set back from Hungerdown Lane by an open, grassed area enclosed by low-level, chain-link fencing with some shrubs and trees.

Relevant History

It is noted that the garden of Crossways has been significantly reduced by the construction of two new build dwellings within the western side garden area of the property, permitted by application 22/01984/FUL, together with the construction of a rear extension to the host property itself, approved under application 22/01893/FULHH.

The remaining garden to the eastern side of Crossways has established tree planting/hedging that contributes positively to the streetscape, despite the installation of 1.8m high close boarded fencing to the rear boundary (permitted by 23/01157/DISCON).

For the avoidance of doubt, the fencing approved under 23/01157/DISCON relates to the land to the west of the site serving the new houses and the rear boundary of the application site, whilst the fence approved under application 24/01785/FUL relates to the front boundary of the new dwellings only.

The remainder of the boundaries are shown on the related approved plans to have permission for 1m high fencing only (not the 1.8m fencing shown on recent site photos or on the accompanying plans).

Proposal

This application seeks planning permission for the installation of a 2.65m high acoustic fence along part of the northern boundary (front boundary with Wignall Street) and the entire eastern boundary (side boundary adjacent to Hungerdown Lane), to be set behind existing hedgerow planting.

The existing picket fence along the northern boundary (front) is shown to be retained.

The proposed replacement fencing is specifically to be Jackson's fencing Jakoustic Reflective Acoustic Timber Fence. The fence will be positioned in line with the front elevation of the dwelling, extending approximately 12.7 metres, returning rearward along the side boundary at a length of approximately 16 metres.

The fence would retain a set-back from the front boundary with Harwich Road/Wignall Street of approximately 2.4 metres, increasing to 2.9 metres. The side boundary section of the fence would retain a set back from Hungerdown Lane of approximately 10 metres.

The plans indicate that the proposed fence will replace an existing 1.8 metre fence. However, planning history records do not show any record of an approved 1.8m high fence. This would require planning permission do the front and side boundaries addressing the highway.

Assessment

The main considerations relevant to the assessment of this application are:

1. Visual Impact
2. Heritage Impact
3. Highway Safety

4. Impact on Neighbours
5. Ecology & Biodiversity (inc. BNG)
6. Representations & Objections
7. Other Considerations
8. Conclusions & Recommendation

1. Visual Impact

Paragraph 135 of the NPPF (2025) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Adopted Local Plan Section 1 Policy SP7 seeks high standards of urban and architectural design which responds positively to local character and context and protects the quality of existing places and their environs. Adopted Local Plan Section 2 Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character.

The current fencing to the front boundary is a decorative white picket fence that responds well to the semi-rural appearance of both the host dwelling and surrounding character. There have been a number of planning applications on this site associated with the wider development of two dwellings to the west of Crossways; however, none demonstrate that this picket fencing ever received planning permission. Moreover, the most recent determination (reference 23/01157/DISCON) shows that there is lapped fencing measuring 1m in height to the side of the property, and 1.8m lapped fencing to the rear boundary, not the 1.8m high close boarded fencing that is indicated within the submitted drawings. This position is strengthened on the basis that street scene images dated June 2023 show 1m high fencing to the side boundary. Therefore, Officers consider the lawful position to be that of a 1m high fence on part of the side boundary and hedgerow to the front only.

The proposed fencing, which would therefore be 1.65m taller than the existing boundary fence, will therefore appear more prominently in its setting when compared to the existing fence. At the present time the fence, in situ (without planning permission), is well screened by an existing and established Laurel hedge. The hedge would continue to provide screening benefits for the proposed new fence, but this would only continue whilst the hedge is retained. Moreover, the screening provided would be less due to the increased height.

The site to the side (east) of the site is positioned on a corner plot setting which is predominantly open with planting, and contributes to the semi-rural character of this part of the street scene, which also falls within the Lawford Conservation Area. The installation of a fence here with close boarded panels at a notable height of 2.65m would appear prominently with its poor design and excessive height, giving the impression of a more urban appearance to the street scene and removing the characteristic open space between the built form. Furthermore, this proposed fencing alongside the white picket fencing, would combine to create a cluttered appearance in this prominent location, and overall this impact would appear incongruously within the locale having a detrimental impact to the character of the area, which also falls within the Lawford Conservation Area.

Whilst the retention of the boundary hedge, which in turn would alleviate some of the identified harm, could be secured by an appropriately worded planning condition, it is considered that this would not adequately mitigate the identified harm to remove the justification for a refusal reason. In addition, although the use of planning conditions to secure the long-term retention of soft landscaping to screen structures may be effective it would, in practical terms, be difficult to monitor, control and/or enforce the retention of such vegetation.

The Tree and Landscape Officer has been consulted on the proposal and has raised significant concerns over the prominence and impact of the proposal upon the street scene, with the proposal appearing as a prominent and incongruous addition which would remove key characteristics of the street scene, therefore conflicting with the above national and local policies.

2. Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a

statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 210 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 of the NPPF (2025) confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 requests that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 215 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric, although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The 2023 Conservation Area Character Appraisal and Management Plan (CAAMP), identifies that it is a building of positive contribution to the character and appearance of the Conservation Area, furthermore that "*Views down Dedham Road into the Conservation Area are focused on Crossway on the southern side of Wignall Street, a vernacular cottage with pink rendered walls and a substantial roof of old clay tiles.*", as shown by Figure 10 of the 2006 Conservation Area Character Appraisal. The CAAMP also highlights that front and side gardens comprise the landscaping and areas of open space that contributes positively to the appearance of the Conservation Area.

The fencing will be sited along the northern and eastern boundary of the site which will obscure elements of the gable ended side of Crossways and enclose the sites existing garden area. As the site is on a corner plot setting the street scene here is generally verdant and open in character meaning that the installation of the fence of this height and design would appear as a noticeable and prominent addition to the site and street scene.

The introduction of the fencing will remove the open nature of this part of the existing street scene which is considered a key characteristic of the conservation area as detailed within the above CAMP. Furthermore, the excessive height of 2.65m and overall design of the fence on this corner plot setting would allow it to appear as a prominent and incongruous feature which would remove the open character of the site and views of the existing building, therefore failing to preserve or enhance the character and appearance of the host dwelling and wider conservation area.

This impact would also result in significant views from Crossways towards 'The Kings Arms', which is a Grade II Listed building and currently unobstructed resulting the way in which this nearby Listed Building can be experienced and appreciated within the streetscape.

The level of harm to the Lawford Conservation Area and 'The Kings Arms' as designated heritage assets is considered to be 'less than substantial' in this instance and the Local Planning Authority should weigh this harm against any public benefits that flow from the new development. As the proposal is for the erection of a fence to a residential premises for the sole use of the applicants, there are minimal public benefits which would outweigh the level of harm resulting from the proposed development. The proposal therefore conflicts with the above policies resulting in a significant harm to the overall character of the area and surrounding conservation area with little public benefits to outweigh this level of harm.

3. Highway Safety

The proposal will not result in a change to the existing parking provision at the site. The new fencing will be sited suitably back from the front boundary preventing it from obscuring views for oncoming and passing traffic thereby preventing an impact to highway safety.

The ECC Highways team have been consulted and provide no objections to the proposal.

4. Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2025) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposal is of a small-scale nature which will be sited along the sites northern and eastern boundaries.

The proposed increase in the height to the fence will be most visible to the neighbour to the south-east known as Quarter Deck which is a detached single storey dwelling. This neighbour already has windows which face onto the existing boundary fencing which sits between the two sites and will therefore achieve clear views of the proposed replacement. As these windows already receive restricted light and outlook due to looking onto the existing fencing it is considered that the proposed replacement at the new height would not result in a significantly further impact these in this instance which would require the need to refuse planning permission upon here.

There are no immediate neighbours to the north of the site.

5. Ecology and Biodiversity

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. Should the application be recommended for approval then an informative will be imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for householder types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

6. Representations & Objections

Lawford Parish Council has no comment on this application.

There have been no letters of representation received.

7. Other Considerations

Environmental Protection

The Councils Environmental Protection Team have been consulted and have provided no objections to the proposal subject to conditions to be imposed upon the permission pertaining to construction activity times and the prevention of burning of materials at the site. As the nature of the development is for a minor alteration to an existing residential property these conditions are not considered relevant to the proposal however should the application be approved then they will be imposed as informative to provide advisory points for the applicant and in order to reduce complaints/ nuisance.

Change of use to garden land

There is a small parcel of land included within the red line of this application which has not previously been included in other schemes located to the north-east of the site. The applicant has confirmed that this parcel of land was garden land under the ownership of the neighbour "Quarter Deck." The land has since been purchased by the applicant and is now under the ownership of "Crossways." As the land was previously classed as garden land and will be continued to be used as such it is considered a change of use application is not required in this instance.

8. Conclusions & Recommendation

The proposed new fencing will be visible to the neighbour to the south-east, however is considered of a suitable size which would not result in a significant impact to the amenities of this neighbour. The proposal will also not affect the impact to the existing parking provision or drivers views within the main highway preventing it from resulting in a significant impact to highway safety.

Notwithstanding the above the site is located upon a corner plot setting shared with Wignall Street and Hungerdown Lane, forming a prominent and noticeable feature within the public realm. The proposed fencing, measuring 2.65m in height, will enclose large elements of the side garden serving the main house, appearing as a noticeable feature within the public street scene. The installation of fencing of such a height and poor design would urbanise this part of the street scene by enclosing existing areas of open space which are considered important characteristic features to the locale, thereby having a negative impact upon the character and appearance of the surrounding area.

The site is located within the Conservation Area serving Lawford with the 2023 Conservation Area Character Appraisal and Management Plan for the area making special reference to the open nature and verdant views of this section of the street scene. The new height of the proposal to 2.65m will

result in the new fence appearing as a prominent feature which would obscure large elements of the side of the host dwelling as well as disrupting the established open character of the street scene resulting in a significant impact to wider conservation area failing to preserve its character and appearance. Furthermore, sited north-east the installation of a proposed fence would obstruct views to the nearby Grade II Listed Building of the Kings Arms to the north-east resulting in a significant impact to the way this protected building is experienced.

The new fence will result in a low level of less than substantial harm to the significance of this Grade II Listed Building and wider conservation areas with limited public benefits identified to outweigh this harm in this instance.

The proposal is therefore considered to fail the above policies and is recommended for refusal.

8. Recommendation

Refuse

9. Reasons for Refusal

1. HARM TO CHARACTER & VISUAL AMENITY

Paragraph 135 of the NPPF (2025) requires that developments are visually attractive and sympathetic to local character. Adopted Local Plan Section 1 Policy SP7 seeks high standards of design which responds positively to local character and context. Adopted Local Plan Section 2 Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character.

The site is located on a corner plot with Wignall Street and Hungerdown Lane being visually open and apparent from both street scenes. The area is characterised by low-level boundary treatments or open frontages which contributes positively to the character of the area.

The erection of a 2.65-metre-high acoustic fence along part of the front and the entire side boundary of the site will appear incongruous and visually harmful due to its dense design and excessive height. The height and appearance of the fence would appear at odds within the street scene to the significant detriment of visual amenity and the character of the area.

The side garden has been extended, bringing the boundary closer to the highway, thus making the boundary more prominent within the street and diminishing the open character further.

For these reasons, the development fails to protect local character or make a positive contribution contrary to the above-mentioned national and local plan policies.

2. HARM TO HERITAGE ASSETS

The site is located within the Lawford Conservation Area. The 2023 Conservation Area Character Appraisal and Management Plan for the area makes special reference to the open nature and verdant views of this section of the street scene.

The proposed 2.65m high fencing will appear as a prominent feature which would obscure large elements of the side of the host dwelling, as well as disrupting the established open character of the street scene, thereby harming the character and appearance of the Lawford Conservation Area. Furthermore, the proposal would obstruct some views to the nearby Grade II Listed Building 'The Kings Arms' to the north-east, resulting in a significant impact to the way this building is experienced. The proposal therefore results in a level of less than substantial harm to the significance of this Grade II Listed Building and character and appearance of the Lawford Conservation Area, and on this occasion, there are minimal public benefits identified that outweigh this harm.

The proposal is therefore contrary to paragraphs 210, 212, 213 and 215 of the National Planning

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- SITE PLAN - REC'D 17/04/25
- PA-01-B - PROPOSED BLOCK PLAN - REC'D 25.04.25
- PA-02-B - PROPOSED ELEVATIONS - REC'D 25.04.25
- PA-03-B - PROPOSED ELEVATIONS (2) - REC'D 25.04.25
- ACOUSTIC FENCE ASSESSMENT - REC'D 17/04/25

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	NO
Are there any third parties to be informed of the decision? If so, please specify:	NO
Has there been a declaration of interest made on this application?	NO