
Appeal Decision

Site visit made on 25 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/L5810/W/16/3156026

11 Courtlands Avenue, Kew Gardens, Richmond, Surrey TW9 4EP

- 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 Ms Gila Salimi against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref DC/JOM/16/0079/FUL, dated on the Certificate of Ownership as 24 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is the removal of 6 conifers along the boundary and brick wall to the left of the property and replacement with a wooden panel fence along the boundary of the garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence has been erected and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

4. Courtlands Avenue is a residential cul-de-sac. Most of the front boundaries to the dwellings are marked by low brick walls with planting behind them which gives the street a pleasant soft-landscaped and open character.
 5. The appeal property is located on a curve and the tall close boarded fence runs for a considerable length along the curve. Given its height, length and prominence, it forms a large, obtrusive and incongruous feature in the street scene which is at odds with the prevailing character.
 6. I appreciate the appellant's frustration that there are a small number of other tall fences, gates and walls in the road which, she says, the Council has not taken action against. However, the existence of these does not justify further harm. I also note the appellant's reference to the school railings but these are not solid like the fence.
 7. I conclude that the development harms the character and appearance of the area and conflicts with Policy CP7 of the London Borough of Richmond Upon
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Thames Core Strategy (2009) and Policy DM DC 1 of its Development Management Plan (2011) which together seek to ensure that new development respects local character and contributes to creating places of a high urban design quality.

Other Matters

8. I understand that reversing cars damaged the previous wall and that the conifers were unmanageable but whilst these matters are unfortunate, they do not mean that the fence is an acceptable solution. I also appreciate that the fence provides privacy to the garden but this matter does not outweigh the harm to the street-scene.

Conclusion

9. For the above reasons the appeal is dismissed.

Siobhan Watson

INSPECTOR