

Appeal Decision

Site visit made on 13 April 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/L5240/D/17/3169398

35 Croham Mount, South Croydon, Croydon CR2 0BR

- 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 Rayon Walters against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/04163/P was refused by notice dated 24 November 2016.
 - The development proposed is described as the erection of a 2m garden fence (wooden panel fence) on the south and west facing sides of the property for safety and privacy and balcony railings a top garage.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development in the above heading is taken from the application form. However, Part E of the planning appeal form, which was completed by the appellant, indicates that the description of development has changed and a different wording has been entered. The description on the planning appeal form refers to the development sought as the retention of 2-metre high southerly-facing fencing. The Council appears to have determined the application on that basis and therefore so shall I.

Main issue

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

Reasons

4. The appeal property occupies a prominent plot towards the end of a residential cul-de-sac, along which the highway boundaries of properties are generally marked by open front gardens, low-level brick walls and planting. While fences also demarcate the boundaries of some properties along Croham Mount my overall impression at the site visit was that the highway frontages of properties in the area, especially in the immediate vicinity of the site, were generally low-key, creating a relatively informal, open feel to the local street scene.
 5. The appeal fence is of timber construction. It partly encloses the garden mainly to the side of the main house, with the front garden remaining largely open. From what I saw, the considerable length of the appeal fence, coupled
-

- with its elevated position close to the adjacent footway means that the structure is a significant and prominent feature when seen from the highway.
6. In these views, the appeal fence occupies a higher position than the maximum 2-metres above ground level indicated on the plans because it stands on top of a retaining wall reflecting the notable difference in ground levels. Given this elevated position, the visual impact of the appeal fence in the local street scene is considerable. From numerous public vantage points along Croham Mount, the appeal fence appears as a stark, solid, formal barrier. Its appearance contrasts markedly with the more informal, low-key frontages that predominate in the vicinity of the site. In that context, the appeal fence is obtrusive and is an uncharacteristic addition to the local area.
 7. Reference is made and photographs provided of boundary fences of some properties along Croham Mount and in other residential streets. I am unaware of the detailed circumstances of any of these boundary treatments and so it is difficult to draw meaningful conclusions from them. I accept that some fences and other solid means of enclosure are prominent features in the street scenes to which they belong. None that have been quoted or that I saw would be visually read with the appeal fence, being part of a different street scene. In most cases, the examples cited exemplify the harm that can be caused to the character and qualities of the area. These cases do not therefore necessarily set a desirable precedent to follow. In other words, additional harm cannot be justified on the basis that some harm exists.
 8. I also acknowledge that close-boarded fences of the type erected on the site are a familiar feature in residential areas. My assessment, however, takes into account the particular characteristics of the site and its context. Having evaluated the development on its own planning merits, as I am required to do, I find to be unsympathetic and materially harmful for the reasons given.
 9. The Council's Supplementary Planning Document (SPD) No 2, *Residential Extensions and Alterations*, states that garden fences are important elements in the street scene and so their treatment should be considered carefully. The Council's SPD No 3, *Designing for Community Safety*, also notes that the design and selection of materials for boundaries should be sensitive to their context and the potential visual and physical impact on the local environment. The development would not adhere to these principles. While SPD No 2 acknowledges that timber fences can be appropriate forms of boundary enclosure, the appeal scheme would not be sensitive to its context.
 10. While the National Planning Policy Framework notes that development should create safe environments, it also states that planning decisions should ensure that developments are visually attractive, respond to local character and add to the overall qualities of an area. As the appeal scheme would not do so, the balance of national planning policy is tipped firmly against the development.
 11. Against that background, I conclude that the appeal fence causes significant harm to the character and appearance of the local area. As such, it conflicts with Policies 7.4 and 7.6 of the London Plan and Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan. These policies aim to ensure that development respects the existing development pattern, positively contributes to local character and provides a high quality design response.

12. I have no doubt that the appeal fence has enhanced the sense of security and privacy for the appellant and his family and created a safer outdoor play space especially for use by the appellant's son than might otherwise be the case. These are important matters given the personal circumstances of the appellant's family and the particular needs of his son, who has autism. A lower level fence would not provide the necessary safety and security sought by the appellant, nor would it visually enclose the garden, which has a southerly aspect and slopes sharply up to the main house. These circumstances differ to many other dwellings along Croham Mount and in the wider area. All of these matters are important and they weigh in support of the appellant's case. Given the position of the appeal fence, I agree that it causes no significant harm to the living conditions of others nor does it pose a risk to highway safety. However, none of these considerations, taken individually or collectively, outweigh the significant harm that I have identified.
13. The Officer's reports set out the background to the development and address in some detail the main issues and the objections raised by others. That Officers recommended the application be approved, subject to conditions, on three separate occasions does not prevent the Council's Planning Sub Committee from reaching a contrary opinion. I also acknowledge the concern raised by the appellant with regard to the Council's handling of the application, the procedures that were adopted in reaching a decision and the delay in determining the proposal. However, my remit is solely to determine the appeal.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR