

Appeal Decision

Site visit made on 24 July 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 2nd August 2017

Appeal Ref: APP/D5120/D/17/3175699

23 Maiden Erlegh Avenue, Bexley DA5 3PF

- 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 B Chattenton against the decision of the London Borough of Bexley Council.
 - The application Ref 17/00465/FUL, dated 26 February 2017, was refused by notice dated 24 April 2017.
 - The development proposed is a concrete and wooden fence panel boundary fence.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. This property lies within an area of housing that is generally characterised by the open plan nature of the front gardens. This results in a very open character that is dominated by the planting and greenery of the gardens, although a number of properties have increased the amount of hard surfacing. The proposal would result in a very high fence (2 metres) that would enclose most of the grass verge to the side of the property. This arrangement would be entirely at odds with the prevailing character of the area.
 4. Corner properties within open plan estates often present challenges with the conflicting needs for privacy within the rear gardens and the retention of the generally more open character of the frontages. However, the proposed height of the fence, its length along the side garden and the proposed proximity of it to the pavement, retaining very little of the verge, would not achieve a satisfactory balance and would detract significantly from the character and appearance of the area.
 5. The property diagonally opposite, 36 Maiden Erlegh Avenue, already has a high side fence but this is set well back from the pavement leaving a significant verge. The fence at 94 Maiden Erlegh Avenue does not face a road and is not visible in wider views. The area adjoining it contains a footpath within a landscaped corridor. These examples are not therefore comparable with this proposal.
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6. I have not been provided with the details of the planning permission that led to the erection of the fence at 5 Maiden Erlegh Avenue so I am unaware of the details of what existed previously and what was permitted. The existing fence is of a shorter length overall and it is not in such a prominent or open position. It also benefits from existing landscaping to the front corner of the property. I am not certain of all the circumstances that led to the Council's decision but in any event, it does not represent a positive addition to the street scene. Without the details of the application, I am unable to conclude that the Council has acted inconsistently in these circumstances.
7. Such a high fence of this length, in such close proximity to the pavement and in such an exposed location, would represent poor design within this particular context. This is particularly the case as it would appear that although it would bring some benefits to the appellant, a number of these could be achieved without such a harmful overall impact. The proposal would conflict with Policies ENV39(1) and H3(2) of the Bexley Council Unitary Development Plan 2004 and Policy CS05(d) of the Bexley Core Strategy 2012 which seek to protect the character of the area. As the policies generally accord with the design aspirations of the *National Planning Policy Framework*, I afford them considerable weight.
8. Applicants for planning permission should be able to expect consistency in decision making. I do not have all the information with regard to the details of the decision relating to the fence at 5 Maiden Erlegh Avenue and I am not satisfied that the two developments would be entirely comparable. However, even if accept that the permission offers some support for a different approach by the Council, I am not satisfied that this matter, when taken together with the benefits to the appellant of the new fence, would be sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR