

Appeal Decision

Site visit made on 16 August 2017

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 22 August 2017

Appeal Ref: APP/K3605/D/17/3177114

13 Sidney Road, Walton-on-Thames, KT12 2NA

- 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 Volodymyr Pyatkovskyy against the decision of Elmbridge Borough Council.
 - The application Ref 2017/1030, dated 29 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is erection of timber fence with concrete posts along rear and side boundary.
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Decision

1. The appeal is allowed and planning permission is granted for a timber fence with concrete posts along rear and side boundary at 13 Sidney Road, Walton-on-Thames, KT12 2NA in accordance with the terms of the application, Ref 2017/1030, dated 29 March 2017, and the plans submitted with it.

Main Issue

2. There is one main issue which is the effect of the proposed fence on the character and appearance of the host dwelling, the street scene of Sidney Road and Montague Close and the surrounding area.

Reasons

3. The appeal dwelling is an end of terrace, two storey house located on a corner plot at the junction of Sidney Road and Montague Close. Sidney Road comprises dwellings of various ages, sizes and designs. Montague Close comprises dwellings similar in scale and appearance to the appeal dwelling. Both Sidney Road and Montague Close are characterised by open frontages with low or absent front boundary treatments. At the appeal dwelling the frontage wall is of brick and approximately 1m in height which is consistent with other boundaries in the street.
 4. The fence, the subject of this appeal, would extend from a point level with the front elevation of the appeal dwelling, along the side boundary adjacent to Montague Road and across the rear boundary of the dwelling, thus enclosing and providing privacy to the rear and side garden of the property. The fence
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has been erected but it is understood from the evidence that prior to this the boundary was marked by a hedgerow.

5. The erection of the fence has changed the appearance of the appeal site in terms of its interface with Montague Close and some of the feeling of openness has been lost. However, the open frontage is maintained in accordance with the prevailing character of the area. Whilst there are some open verges to the side of properties, including one on the opposite corner of Montague Close and Sidney Road, the majority of side boundaries in the area are enclosed by fences and walls located close to the highway boundary and of about 2m in height. Several examples can be seen in Montague Close and the adjoining Alpine Road, including one that is very similar in scale, materials and prominence to the appeal proposal.
6. The Council suggests that as Sidney Road is busier than Montague Close the fence at the appeal site would be more prominent than others in the area. However, whilst it is clearly visible in the street scene of Montague Road, it would be substantially hidden by the appeal dwelling when travelling north-west along Sidney Road and, although more noticeable when travelling south-east, the open view along the Sidney Road frontages would be maintained. On balance, I am therefore satisfied that the proposed fence would be readily comparable with other boundary treatments nearby and would not form an unduly incongruous feature in the street scene.
7. It is concluded on the main issue that the proposed fence would have no materially detrimental effect on the character or appearance of the host dwelling, the street scene of Sidney Road and Montague Close or on the surrounding area. In consequence there would be no conflict with Policy CS17 of the Elmbridge Core Strategy, 2011, or Policy DM2 of the Elmbridge Development Management Plan, 2015, which taken together expect new development to achieve high quality design which shows an understanding of local character such that it preserves or enhances the character of the area, provides a clear distinction between public and private spaces, maximises the efficient use of urban land whilst responding to the positive features of individual locations, creates safe and secure environments and reduces opportunities for crime.
8. The development has been carried out and hence a commencement condition is not necessary. The Council suggests a condition requiring the development to be carried out in accordance with the approved plans but for the same reason this would not be necessary.
9. For the reasons set out above and having regard to all other matters raised, including the representations of a third party and the appellant's evidence that the fence was erected in response to trespass on the garden, including dog fouling and fly tipping, to provide a safe and secure environment for his children to play and to provide additional security to the property, I conclude that the appeal should be allowed.

KE Down
INSPECTOR