



Appeal Decision

Site visit made on 26 September 2017

by Michael Boniface MSc MRTPI

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

Decision date: 5th October 2017

Appeal Ref: APP/Z5630/D/17/3181381

2 Windsor Road, Kingston-upon-Thames, KT2 5EY

- 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 Helen Hawkley against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/13159/HOU, dated 15 November 2016, was refused by notice dated 26 May 2017.
 - The development proposed is a fence in the back garden measuring 2.4 metres high.
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Decision

1. The appeal is allowed and planning permission is granted for a fence in the back garden measuring 2.4 metres high at 2 Windsor Road, Kingston-upon-Thames, KT2 5EY in accordance with the terms of the application, Ref 16/13159/HOU, dated 15 November 2016, and the plans submitted with it.

Preliminary Matter

2. The development has already been carried out and the application now seeks retrospective planning permission. As such, I was able to view the fence during my visit to the site.

Main Issues

3. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of neighbouring occupants, with particular regard to potential overbearing impact and loss of light to No 4.

Reasons

Character and appearance

4. The fence subject of the appeal encloses a small residential rear garden which is surrounded by further gardens associated with surrounding dwellings. It comprises horizontally laid timber boards which have been painted, creating a smart and contemporary finish.
5. Although the fence extends to a height of 2.4m, this does not appear to be dissimilar to the height of the fence that it replaced, albeit that this involved a less solid trellis construction at the top. Furthermore, the trellis associated with a property to the rear and sheds associated with the florist business to the side both remain visible above the fence line as constructed. It seems to me that there is some variation in the types and heights of boundary treatments in the area and that the proposed fence would not be at odds with the varied

residential character of the locality. The fence is only visible in glimpsed views between buildings from the public realm and has no discernible impact on the character and appearance of the area.

6. As such, I find no conflict with Policies CS8 and DM10 of the Core Strategy (2012) (CS) or the Council's Residential Design SPD (2013) (SPD), which seek good quality design that respects local character and distinctiveness.

Neighbours' living conditions

7. The fence divides the gardens between the appeal site and the neighbouring property (No 4) and extends between the two buildings where gates provide access. Two small ground floor windows serving the kitchen and dining area of No 4 directly oppose the fence. Given the proximity, the fence would be clearly visible from these windows and some additional overshadowing would be likely to result.
8. However, contrary to the Council's assessment, these are not the sole windows serving the dining room which in fact forms part of a large kitchen/dining room. Large glazed doors at the rear of the property serve the same room and provide the main outlook and source of sunlight. Under these circumstances, future occupants would retain a good outlook and amount of sunlight and the fence forming one of the side boundaries to the garden would not appear overbearing or result in undue enclosure. The impact of the fence on the two small secondary windows would have negligible impact on the living conditions of the neighbouring occupants.
9. As such, I find no conflict with Policy DM10 of the CS; The Council's SPD; or paragraph 17 of the National Planning Policy Framework, all of which seek to ensure that suitable living conditions are maintained for existing and future occupants of land and buildings.

Conditions

10. The Council has suggested two conditions in the event that planning permission is granted. The first seeks to secure the use of appropriate facing materials and the second would require that the fence is permanently retained. I do not consider that either of these conditions is necessary as the development has already been completed using suitable materials and there is no reason why the fence should be retained in its current form for it to remain acceptable. There is no indication that the fence is likely to be removed entirely and the Council has not provided any evidence to suggest that retention was a requirement in respect of the previous fence or that otherwise more onerous requirements are necessary in this case.

Conclusion

11. The development does not harm the character and appearance of the area or the living conditions of neighbouring occupants.
12. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR