The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/K3605/D/19/3234537
12 Soprano Way, Esher, KT10 0DG

- 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 Michael Behan against the decision of Elmbridge Borough Council.
- The application Ref 2019/0583, dated 24 February 2019, was refused by notice dated 19 July 2019.
- The development proposed is described as to erect a 2m wooden fence along the perimeter of our property to the side, west elevation, from the gate entrance to the garden along to and level with the front of the garage.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:

   - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy; and

   - The effect of the design of the proposed development on the character and appearance of the area.

Reasons for Recommendation

Whether Inappropriate Development

4. The Framework and Policy DM17 of the Elmbridge Local Plan Development Management Plan (DMP) (2015) collectively state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. For the purposes of the

Act[1], the term 'building' includes any structure or erection and therefore includes fences. Paragraph 145 c) lists the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the existing building as one such exception.

6. The existing boundary wall extends along the roadside boundary of the property and its rear boundary, enclosing the rear garden. The appellant has indicated that the new fence would be 7.2 metres in length and the same height as the wall. It would be attached to the wall. Having regard to the size of the wall relative to the new fence I find that the proposal would not result in a disproportionate addition over and above the size of the original wall. It would not therefore comprise inappropriate development in the Green Belt. As such, there is no conflict with DMP Policy DM17 or the Framework.

Character and Appearance

7. The appeal property sits on a corner of Soprano Way and Fairway Close. The rear garden wall and side elevation of the property is set back from the carriageway of Fairway Close, and a narrow landscape strip, similar to that at No 10 Soprano Way contributes to the pleasant open aspect of this junction.

8. The new fence would enclose part of this landscaped area adjacent the side wall of the dwelling. It would have a significant enclosing effect upon the open character of this part of Fairway Close and introduce an incongruous form of development into this carefully designed estate with boundary walls being a feature of those plots adjoining the highway. The proposal would erode the pleasant open aspect at the junction of Fairway Close with Soprano Way and result in harm to the character and appearance of this attractive area.

9. I note the appellant's submissions that the fence is required for security reasons, however this is unsubstantiated and does not outweigh the harm identified. I also note that there are examples of fencing within the locality that the appellant has referred me to. However the circumstances of theses fences relative to the highway are not comparable to the scheme before me and this therefore limits the weight I can give to this matter in my consideration of this appeal.

10. In light of the foregoing, I conclude that the proposal would result in harm to the character and appearance of the area in conflict with DMP Policy DM2 and Policies CS8 and CS17 of the Elmbridge Core Strategy (2011) (CS) which collectively require development to achieve attractive and distinct residential neighbourhoods with high quality design that preserves and enhances the character of the area. The proposal would also conflict with the Framework (paragraph 127), which, amongst other matters, requires development to be sympathetic to local character, visually attractive and add to the overall quality of an area.

11. The appellant disputes the relevance of CS Policy CS8. However, it is clear from the delegated report that the appeal site is located within the Settlement Area of Thames Ditton, Long Ditton, Hinchley Wood and Weston Green, and therefore the policy is of relevance to the proposal before me, particularly with regard to its aim to achieve attractive and distinct residential neighbourhoods.

[1] s336 of the Town and Country Planning Act 1990

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR