
Appeal Decision

Site visit made on 19 November 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/Z5630/D/19/3235043

2 Burberry Close, New Malden KT3 3AR

- 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. Dimo Iliev against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 19/01035/HOU, dated 15 June 2018, was refused by notice dated 11 July 2019.
- The development proposed is for the change location of front entrance, hard standing and dropped kerb. Erect a 2m fence from building line to site boundary.

Decision

1. The appeal is allowed, and planning permission is granted for the change location of front entrance, hard standing and dropped kerb. Erect a 2m fence from building line to site boundary at 2 Burberry Close, New Malden KT3 3AR, in accordance with the terms of the application, Ref 19/01035/HOU, dated 15 June 2018, subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Site Location Plan; Block Plan; Drawing Number 7819-05-13-01; and Drawing Number No 7819-05-13-02.
 - 3) No development shall commence until samples of an appropriate fence colour / stain to be used in the construction materials of the fence hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.

Procedural Matter

2. The plans include details of a front fence. It is clear from the Council's officer report that they considered the application on that basis, and I have done the same in assessing the appeal. As this is not a matter in dispute between the parties, I have not considered that aspect of the development any further in my decision.

Main Issue

3. The main issue is the effect of the proposed 2m fence on the character and appearance of the area.

Reasons

4. The appeal site comprises a semi-detached dwelling located on Burberry Close, adjacent to its junction with Woodside Road, in a suburban residential area.
5. The majority of the dwellings on Burberry Close have their front elevations facing the road and are characterised by low boundary walls, partly open frontages and attractively landscaped front gardens and forecourt areas. These features contribute positively to the street's character.
6. The appeal dwelling has a different spatial arrangement in the street, whereby it faces at an angle towards Woodside Road. Consequently, it has its side and rear garden area facing Burberry Close and is screened along its side boundary by a tall line of trees, which provide privacy to the private garden. In the surrounding network of streets, I saw similar dwellings nearby at Selbourne Road, Woodside Road and Carlton Road, located on or adjacent to road junctions and having a dual road frontage. At these locations side boundaries were largely represented by taller walls and fences that differed to the more open, low rise enclosures of the dwellings that have a single frontage with the street.
7. The Council's Supplementary Planning Document (SPD)¹ states at paragraph 4.36 that walls and enclosures provide some screening to safeguard privacy and the design, materials and height of enclosures should relate well to others in the area. It also provides more detailed guidance on front boundary enclosures; however, I do not consider that this would relate to the part of the appeal proposal in dispute as it would be a side boundary.
8. The proposed 2m fence would enclose the appeal dwelling's rear/side garden area and be positioned adjacent to the pavement. It would require the removal of the majority of the existing trees along the side boundary. The fence would be a shorter boundary feature compared to the taller trees to be removed. Although there would be a loss of the softer landscaping, the fence would be consistent with boundary enclosures at similarly positioned dwellings nearby, in terms of height, length and use of materials. Often these taller boundaries are positioned close to dwellings with more open frontages facing the street.
9. The proposal would therefore appear as the norm, rather than an exception in the context of the surrounding area, and I am of the view that Burberry Close would not be harmed as a consequence. Furthermore, the fence, which is concaved at the top of each panel, would add a pleasing rhythm to the enclosure when viewed from the street, in contrast to the more standardised fence profiles that exist nearby. To maintain consistency with the area, a condition can be imposed that would require the fence to be stained in an appropriate colour.
10. It is acknowledged that the dwelling opposite at No 1 Burberry Close, which has a similar orientation with the street, has an open frontage along its side boundary. However, I found this to be in the minority where a dwelling has its side and rear garden facing the road and I did not find this to be a direct comparison with the appeal site.
11. For the above reasons, I conclude that the proposed 2m fence would not harm the character and appearance of the area. It would therefore accord with

¹ Residential Design Supplementary Planning Document Adopted – July 2013

Policies CS8 and DM10 of the Local Development Framework – Core Strategy (2012), where, it requires development proposals to recognise local features and character. The proposal also accords with the aims of the SPD, where it requires the design, height and materials of enclosures to relate well to other enclosures in the area.

Conditions

12. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework. I also sought agreement from the Appellant to the pre-commencement condition.
13. Planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty. A condition requiring agreement of the colour/stain of the fence is necessary in the interests of the character and appearance of the area.

Conclusion

14. For the reasons outlined above, I conclude that the appeal should be allowed.

R. E. Jones

INSPECTOR