



Appeal Decision

Site visit made on 10 December 2019

by M Seaton DipTP MRTPI

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

Decision date: 23 December 2019

Appeal Ref: APP/Z5630/D/19/3237185
43 Motspur Park, New Malden, KT3 6PS

- 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 Kavegh Nazarran against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00650/HOU, dated 12 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is for a front boundary wall – 1m high wall, 1.6m high pillars with metal railings up to 1.6m high.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposed development on highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site accommodates a two-storey chalet-style dwelling which is set back from the road frontage by a large front garden area which in this instance has been converted to a hardstanding. The property is set within a residential area.
4. At the time of my visit, the rendered wall and pillars had already been constructed but the proposed railings were not in situ. From my observations of the surrounding area, I agree with the Council's assessment that low walls and boundary treatments are characteristic of the area as a means of defining curtilages, as well as the use of shrubs and planting. I also accept that boundary treatments up to 1 metre in height adjacent to a highway may be completed as permitted development in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015.
5. Despite the appellant's reference to other developments in the wider area where higher boundary treatments have been incorporated along front boundaries, such boundary treatments are not a prevailing characteristic with largely open plan front gardens where boundaries are defined by much lower

walls and planting a fundamental part of the defining character of the area. As a consequence, I do not consider these developments to have set a precedent for similar proposals. In this regard, whilst I accept that the harm would be comparatively limited in the local context, the inclusion of 1.6m high pillars and railings to the same height would not accord with the character and appearance of the wider area, but the scale would appear as an obtrusive feature within the street scene.

6. Whilst I have noted the concerns over the use of render instead of brick as expressed by the Council, I am satisfied that the use of render for the wall would be reflective of its use on the related dwelling, and in the context of the variety of other materials used within the area for boundary treatments would not appear in itself to be visually harmful.
7. For these reasons, the proposed development would result in an adverse effect on the character and appearance of the area. The proposal would not therefore accord with Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Core Strategy 2012 (the Core Strategy) and the guidance set out within Residential Design Supplementary Planning Document 2013 (the SPD). These policies and guidance seek to ensure that development incorporates proposals of good design, contributes positively to the character and local distinctiveness of a street or an area, including with regards to the scale and form of other enclosures in the street so that new walls or enclosures do not appear out of character.

Highway safety

8. The appeal proposals incorporate a vehicular access on to Motspur Park from close to the shared boundary with the neighbouring property, No. 45 Motspur Park.
9. The access is taken from the inside of a bend in the highway where visibility, particularly from the west, would already have been limited prior to the positioning of the 1.6m high pillar. Nevertheless, the presence of the pillars to either side of the access point, combined with the other pillars and proposed railings, would have a significant additional impact on visibility in both directions for vehicles exiting the appeal site. This would be to the extent that in order to achieve sufficient visibility before manoeuvring on to the main highway, vehicles would be forced to edge across the existing pavement to the detriment of the safety of pedestrians. Whilst I acknowledge the appellant's contention that the gaps in the railings would allow clear visibility of pedestrians, I am not persuaded that this would act as sufficient mitigation for the need to use the pavement in order to facilitate visibility to access on to the road in the absence of the necessary visibility splays as indicated by the Highway Authority.
10. Therefore, the proposed development would not adequately protect the safety of pedestrians and road users due to the absence of sufficient visibility splays. The proposal would therefore conflict with Policies CS7 and DM10 of the Core Strategy and the guidance within the SPD, which set out the need for development to ensure that road and highway safety are not adversely affected, with adequate visibility of pedestrians and vehicles maintained for all vehicles entering and exiting a property.

Other Matters

11. I have had regard to the letter of support submitted by the appellant containing the signatures of a number of local residents confirming the absence of any objection to the proposals. However, whilst I recognise the level of support in this respect, this in itself does not carry any significant weight in my decision-making in the context of the harm which I have identified would be caused by the development, and which ensures that the proposal is not in accordance with the development plan.

Conclusion

12. For the reasons set out above, the appeal is dismissed.

Martin Seaton

INSPECTOR