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## Appeal Decision

Site visit made on 16 December 2019 by Mariam Noorgat BSc (Hons)

**Decision by P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 February 2020**

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**Appeal Ref: APP/D5120/D/19/3237710**

**41 Felton Lea, Sidcup DA14 6BA**

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S Dixon against the decision of the Council of London Borough of Bexley.
  - The application Ref 19/01122/FUL dated 22 April 2019 was refused by notice dated 8 August 2019.
  - The proposed development is a boundary fence for back garden.
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### 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.

### Procedural Matter

3. It could be seen from my site visit that the boundary fence is already in place. I have therefore considered the appeal on a retrospective basis.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal property is situated on a corner plot of Felton Lea with its main entrance on the southern elevation facing Tyron Way. A grassed section of the appeal property curtilage is visible from the street scene as it wraps around the southern elevation from the main entrance to the western side of the appeal site. Originally, there was a considerable setback of the fence from the pavement on the northern side of Tyron Way which would have allowed views of the whole wrap around curtilage. This would have been akin to the configuration at No.74 and would have allowed for a balanced and spacious view when seen from the street scene. The considerable setback of built form from the pavement on the north side of Tyron Way is a prevalent feature and leads to an open and spacious view when approaching the appeal site from the east.

6. Although a wooden fence, regardless of colour, is not an unusual way to enclose a garden, the lack of setback of the development from the pavement on the northern section of Tyron Way is a considerable deviation from the spatial characteristics of this section of the road. It disrupts the open and spacious views when approaching from the east of Tyron Way, and even though the majority of the frontages to the east are paved over, the openness of this part of the street scene is still maintained. Also, the development disrupts the balance it once shared with No.74 with regards to a visible open grassed area. Although the design of the boundary treatment at No.74 is similar to No.41, No.74 incorporates a setback from the pavement and maintains an open and spacious view. As such, the development fails to respond to the established pattern and character of the northern side of Tyron Way and is an incongruous addition.
7. The appellant has provided some photos that show fences bordering the pavement. The location of these is not specified although I note the Council refers to a fence at the bottom of Tyron Way. The boundary treatment to the properties at the end of Tyron Way to the east are set in from the pavement. To the west, several of the boundary treatment could be seen to abut the pavement. However, the context for these developments is distinct from the appeal site insofar as openness is not such a significant factor of the street's character as in the case of the appeal site. Similarly, whilst there are large green areas to the southern side of Tyron Way, this does not compensate for the loss of open space at the appeal site with the adverse effects that I have described.
8. The appellant has provided calculations to the amount of grassed area enclosed at the appeal site. Whilst relatively the percentage is not significant, this calculation does not consider the visual impacts of the development, which are considered to be harmful.
9. For the reasons above, I conclude the development harms the character and appearance of the area. It therefore conflicts with Saved Policies ENV39 and H3 of the Bexley Council Unitary Development Plan, Adopted 28 April 2004, which seeks to ensure developments respect the local character and appearance of the area.

### **Other Matters**

10. I note the personal circumstances of the appellant in particular that the development creates a more spacious garden to allow for training, provide storage, improve outlook and eradicate issues such as litter and dog fouling. Overall, whilst there may be some benefits by virtue of a larger garden and improved residential amenity, this would not outweigh the significant harm identified.

### **Recommendation and Conclusion**

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

*Mariam Noorgat*

APPEAL PLANNING OFFICER

**Inspector's Decision**

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

*P J Davies*

INSPECTOR