



Appeal Decision

Site visit made on 14 May 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2020

Appeal Ref: APP/M3645/D/19/3237677

12 Paddock Way, Hurst Green, Oxted RH8 0LG

- 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 Roger Matthews against the decision of Tandridge District Council.
 - The application Ref TA/2019/856, dated 8 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as: 'a retrospective application for an oversized fence built adjacent to the highway and over 1metre tall'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a fence to side of 12 Paddock Way, Hurst Green, Oxted RH8 0LG in accordance with the application Ref: TA/2019/856, dated 8 May 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/026-01 and the red-edged site location plan.

Procedural Matters

2. The address on the application form referred to 'Hurst Green', while the appeal form gave 'Oxted'. I have included both in the heading to the decision for the sake of clarity and precision.
3. Notwithstanding the detailed description on the application form, as set out above, the Council described the proposal as 'erection of a fence to side (retrospective)'. On my site visit I saw the fence in situ and have used this simplified but clear description in my decision.

Main Issue

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

Reasons

5. Paddock Way is a long cul-de-sac predominantly characterised by bungalows set in modest-sized plots. The front gardens are enclosed by low brick walls and shared boundaries are commonly marked by hedges. The street therefore has a verdant appearance and a feeling of openness.

6. No 12 occupies a triangular shaped plot as the road approaches a shallow bend. It therefore has a wider street frontage and a smaller rear garden than other properties in the street. Consequently, the area to the side of the house is an important part of the amenity space for the occupants. Having built a side extension¹, the appellant therefore erected a fence to provide privacy in this part of the garden. The fence is at right angles to the road and the remainder of the side garden has been enclosed by a laurel hedge.
7. From its junction with Greenhurst Lane, Paddock Way is initially straight and flat. It then descends towards a bend where the new fence is a prominent feature that appears to jut out towards the road. In this context, its height and scale are somewhat out of place in a street scene characterised by open front gardens with mature vegetation and planting. The lack of planting elsewhere in front of No 12 makes the fence particularly conspicuous when travelling in a northerly direction along Paddock Way. However, when travelling south it is screened by other newly planted vegetation.
8. From the evidence presented it is apparent that overgrown vegetation previously marked the boundaries and occupied much the front garden, giving it an unkempt appearance. The fence, amongst other changes, has brought a noticeable change to the appearance of the site. However, in the months since this application was refused, the fence has started to weather and it is already beginning to blend into its surroundings.
9. My attention has been drawn to other fences in the vicinity. These are in less prominent positions and some are parallel with the footway, rather than at right angles to it. Nevertheless, it is apparent that the fence at No 12 is not a uniquely incongruous feature in the street scene. Fences have been used to enclose some rear and side gardens that would otherwise be exposed to view from the street. It therefore seems to me that in time No 12's fence will become less conspicuous as it continues to weather and surrounding vegetation becomes mature.
10. I conclude that the fence has not caused unacceptable harm to the character and appearance of the area. It therefore accords with Policies DP7 and DP9 of the Tandridge Local Plan Part 2: Detailed Policies (2014) and Policy CSP18 of the Tandridge District Core Strategy (2008) which require development to be high quality design that integrates effectively with its surroundings.
11. As the development has already taken place the only condition necessary is to specify the approved plans in the interests of certainty.
12. For the reasons given, I conclude that the appeal should succeed.

Sheila Holden

INSPECTOR

¹ Ref: 2017/1544 – erection of side extension