



Appeal Decision

Site Visit made on 6 October 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/P5870/D/20/3255581

27 Tewkesbury Road, Carshalton, Sutton SM5 1QD

- 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 Lee Betts, RJB & Son HGV Maintenance against the decision of London Borough of Sutton.
 - The application Ref DM2019/01256, dated 16 July 2019, was refused by notice dated 28 April 2020.
 - The development proposed is described as "To keep a 1.8metre boundary fence around newly purchased land next to my house, was advised that I have to have a minimum 1.8metre fence by sutton council."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part E of the appeal form states the description of development has not changed from that stated on the planning application form, nonetheless a different wording has been entered. I have used the description of development as originally stated on the planning application form.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) highway safety.

Reasons

Character and appearance

4. The fence occupies a prominent corner position at the junctions of Tewkesbury Road and Thornton Road. Generally, there were views available over the adjacent corner sites notwithstanding the presence of some boundary treatments. These boundary treatments were mostly lower than that for which approval is sought and therefore they retained the openness of the corner locations.
5. By contrast, the appeal scheme comprises a dominant and strident addition to the site, hard against the footway and extending to a height which was in excess of the usual height of other boundary treatments within the immediate vicinity. As result it would be an intrusive feature, eroding the openness of the area around the junction. Where other boundary treatments did rise to a similar height these were generally hedges, which had a softer appearance than the timber fencing above concrete gravel boarding that has been erected.

Where I observed the use of similar timber fences in the wider area, these were not commonly located on prominent corner sites and thus their impact was lesser than the appeal scheme. I therefore find that the fence is a discordant addition to the street which fails to integrate appropriately with its context.

6. I am also conscious that the Council highlight that a number of existing fences of similar height were unauthorised, but immune. Whilst they are therefore part of the existing situation, they do little to convince me of the acceptability of the appeal scheme. Furthermore, the application of colour to the fence would do little to ameliorate its impact.
7. Accordingly, I find that the fence is harmful to the character and appearance of the area, in conflict with policy 28 of the Sutton Local Plan (2018) (the Local Plan), insofar as it seeks to ensure that development makes a positive contribution to the street frontage. There would also be conflict with the guidance of the Sutton Urban Design Guide (2008).

Highway safety

8. The fence is located directly adjacent to the vehicular access and frontage parking associated with 27 Tewkesbury Road. As a result, the fence provides a barrier to visibility when exiting the site, restricting views of both vehicles travelling along the road and pedestrians using the footway. However, traffic speeds for vehicles travelling along Tewkesbury Road were generally low and the speed of vehicles approaching the site would be further limited by just having negotiated the junction. I also observed that there were many other similar arrangements of boundary treatments blocking visibility and there is no substantive evidence to show that within the context of low traffic speeds that this results in any harm to highway safety.
9. Similarly, whilst the fence would also block visibility of pedestrians using the footway, both the drivers of vehicles exiting the site and pedestrians travelling near to the site would be aware of this and I find that it is likely that care would be taken accordingly. Again, this is a situation that I observed to be replicated at other sites within the area and I have not been provided with evidence to show that this is prejudicial to safety.
10. Thus, the scheme would not have an unacceptable effect on highway safety and would accord with policy 36 of the Local Plan, insofar as it seeks to ensure development minimises any adverse effect on the highway network.
11. Policy 37 and Appendix 11 have been referred to however these would appear to relate to the provision of new parking facilities. As such, they do not appear to be directly relevant to the scheme that is before me.

Other Matters

12. I note that the appellant states that it was a condition of the sale of the land that a 1.8m timber fence be erected along the boundaries of the site. This however is a private matter between the appellant and the vendor of the land and is not one which leads me to find that the fencing is acceptable on its planning merits.
13. I acknowledge that the appellant has sought to secure the site to prevent fly tipping of materials taking place. Whilst this is noted, I am not convinced that

the fence that has been erected would be the only way of achieving this. As such, this does little to dissuade me from my findings above.

14. The appellant states that he would be willing to make alterations to the fence, including changing its position. However, I do not have the full details of these proposed alterations and in any event, I have assessed the appeal on the basis of the details that are before me.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR