The Planning Inspectorate

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: 30 October 2020

Appeal Ref: APP/P5870/W/20/3254296
56 St. James Road, Carshalton, SM5 2DU

- 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 Rizwan Shabir against the decision of London Borough of Sutton.
- The application Ref DM2019/01956, dated 18 November 2019, was refused by notice dated 10 June 2020.
- The development proposed is described as "The owner wants to propose a boundary treatment. The property has had multiple break ins due to a poor fencing facility and he wants to create a secure and sufficient fence to protect the property, its contents and the workers from any future incidents. The fence is a similar height to the previous one that was use and is the same style used for many properties around the site (examples are shown in the document). This will not only secure the property but also improve the aesthetics on the site along with the context."

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, bearing in mind the sites location within an Area of Special Local Character, a non-designated heritage asset.

Reasons

3. The appeal site comprises a commercial building and associated hardstanding, located at the corner of St James Road and St Andrews Road. The site is located within an area that is predominantly characterised by residential dwellings, albeit that there are some other commercial premises nearby. Nonetheless, the site shares a close affinity with the residential dwellings along St James Road. The properties along this road are generally enclosed by low boundary walls or fences, some with hedging above, together with open frontages that are used as parking areas; this creates a spaciousness to the street.

4. The site is located within an Area of Special Local Character (the ASLC). Information submitted by the Council outlines that this area comprises Victorian terraced housing with small front gardens. I observed that the significance of the ASLC was derived, in part, from the residential character of the development along St James Road, as well as from the openness of the street frontages.

5. The appeal scheme seeks permission for the erection of a 2-metre-high palisade security fence around the perimeter of the site. The fencing would be painted green with pointed tops to each upright. It's height and design, together with that it would be located hard to the edge of the footway would result in a strident and unduly prominent addition to the street. It would be a harsh visual element more akin to the character of an industrial area, than to the residential nature of St James Road with which it would be closely associated. It would substantially diminish the openness of the street, harming the significance of the ASLC.

6. I have noted the examples of other boundary treatments within the surrounding area as highlighted by the appellant, which includes similar palisade fencing enclosing a site at the western end of St James Road. Nonetheless, that site is not as prominently located as the appeal site and does not share such a close affinity with the dwellings present along St James Road. Moreover, whilst I noted other boundary treatments which were erected to similar heights, these were of different designs and contexts.

7. Accordingly, the proposal would have a harmful effect on the character and appearance of the area, including the significance of the Area of Special Local Character, a non-designated heritage asset. Thus, the scheme conflicts with policies 28 and 30 of the Sutton Local Plan (2018). These policies seek to ensure, amongst other things, that development is attractive, designed to the highest standards, makes a positive contribution to the street frontage and that development in Areas of Special Local Character conserves elements, such as boundary treatments, that contribute to an areas character and appearance. There would also be conflict with guideline DCR19 of the Designing Out Crime – Supplementary Planning Document, in that the boundary treatment would not incorporate a high standard of design in order to create an attractive environment.

Other Matters

8. I acknowledge that the boundary treatment has been erected in order to address concerns in respect of trespass into the site and fly tipping of waste materials. Whilst this is noted, these matters are insufficient to outweigh the harm that I have identified above. Furthermore, I am not convinced that the proposed palisade fencing would be the only way of addressing these matters.

Conclusion

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

Mr Martin Allen

INSPECTOR