



Appeal Decision

Site visit made on 20 October 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020.

Appeal Ref: APP/A5840/W/20/3247410
80 Turney Road, London SE21 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Harry Davis against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/7573, dated 20 December 2019, sought approval of details pursuant to condition No 9 of a planning permission Ref 16/AP/2773, granted on 9 November 2016.
 - The application was refused by notice dated 17 February 2020.
 - The development proposed is the demolition of existing single storey garage building and construction of a two bedroom dwelling over two storeys.
 - The details for which approval is sought relate to means of enclosure. .
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Decision

1. The appeal is allowed and the means of enclosure details submitted pursuant to condition No 9, attached to planning permission Ref 16/AP/2773, granted on 9 November 2016, in accordance with the application dated 20 December 2019 and the plans submitted with it are approved.

Procedural Matters

2. The means of enclosure the subject of this appeal is already in place.
3. A previous application to discharge condition 9 (Ref. 17/AP/0561) was approved, and included a cedar timber fence on the street frontage that stepped from 0.75 metre to 1.2 metres. This fence was never erected.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Dulwich Village Conservation Area.

Reasons

5. The appeal site is within the Dulwich Village Conservation Area. The Conservation Area (CA) is large and covers all of Dulwich Village. The appeal site is within sub-area 5, with the area around it being characterised by semi-detached houses dating from the early 20th century, with generous front and rear gardens.
6. Paragraph 5.3.2 of the Dulwich Village Conservation Area Appraisal (CAA) says that "*In the Conservation Area, front boundary railings, walls and planting to*

properties define the extent of the public realm and the quality of such boundaries is therefore of paramount importance.” Section 3.6 of the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (2011) (SPD) says that *“Front gardens, walls, fencing and railings should be sympathetic to the character of the building and garden and normally no higher than 1 metre.”*

7. The Council states in its officer report that *“the approved plans of the front wall (in ref. 17/AP/0561) that previously discharged this boundary treatment condition included a low-rise cedar timber fence onto the street that stepped from 75cm to 1.2m”*. It considers that this *“fitted in with the character of the conservation area, where houses front onto the street, but are set behind low boundary walls”*.
8. However, the railway bridge to the north-east of the appeal site effectively divides the small part of the CA containing the appeal site from the rest of Turney Road. This small section has a very different character from that part of Turney Road that lies beyond the railway bridge. Beyond the bridge, Turney Road comprises large, terraced properties with very similar design and detailing, set back from the road by a similar amount. In most cases, these houses do not have any front boundary treatment, having turned their front gardens into parking areas for one car each.
9. By contrast, the small part of Turney Road between the railway bridge and Croxted Road, is instead characterised by high fencing on the back edge of the footways on either side of the road. On the south-east side are metal railings of about 1.8 metres in height around the railway land, followed by the fence at the appeal site, and then a close boarded fence topped by a small trellis, of about 2 metres in height, which extends up to the junction with Croxted Road. On the opposite side of the road are more metal railings close to the bridge, followed by a gap to allow access to two garages, followed by further close-boarded fencing, about 1.8 metres high and interspersed with wooden gates, up to Croxted Road.
10. I appreciate that the wooden close-boarded fencing on both sides of the road is outside the CA, and that it encloses side and rear gardens. However, it strongly influences the character of the boundary treatment between the road and the land behind, in this small stretch of Turney Road between Croxted Road and the railway bridge. In my opinion, its impact on the character of the part of the CA within which the appeal site sits cannot be ignored.
11. I consider that the fencing as erected fits in with the character and appearance of other boundary treatments along this small part of Turney Road. I agree with the advice in the CAA that the quality of front boundary treatments is of paramount importance, but do not agree with the Council that this one, given its particular setting, causes any harm. I also consider that the fencing is sympathetic to the character of the building, as required by the SPD, and does not unduly disrupt the relationship between the house and the street. The SPD also says that front garden boundaries should normally be no higher than one metre. However, this fence is in an unusual setting, and is in my opinion one of the rare exceptions the advice envisaged in its use of the word *“normally”*.
12. I conclude that the means of enclosure for which approval is sought preserves the character and appearance of the CA and does no harm to its significance as a heritage asset. It complies with Strategic Policy 12 of the Core Strategy

(2011), and Saved Policies 3.12 and 3.13 of the Southwark Plan (2007), which, amongst other things, require development to conserve or enhance the significance of Southwark's heritage assets, to achieve a high quality of architectural and urban design, and to be designed with regard to their local context.

Conditions

13. The Council has confirmed that, should I be minded to allow this appeal, it does not consider that any conditions would be necessary. I agree.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and the means of enclosure details approved.

Michael J Muston

INSPECTOR