



Appeal Decision

Site visit made on 8 December 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30/12/2020

Appeal Ref: APP/K3605/D/20/3257913

111 Palace Road, East Molesey KT8 9DU

- 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 Darren Jacob against the decision of Elmbridge Borough Council.
 - The application Ref: 2020/1010 dated 27 April 2020, was refused by notice dated 22 June 2020.
 - The development proposed is replacement of a boundary wall previously granted consent for demolition under planning application 2019/0916
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Decision

1. The appeal is allowed and planning permission is granted for replacement boundary wall at 111 Palace Road, East Molesey KT8 9DU in accordance with the terms of the application, Ref: 2020/1010 dated 27 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A100 Rev 4 Location Plan; A1100 Rev5 Block Plan; 111 Palace Road, East Molesey: Proposed Plan and Elevation (1:75); 111 Palace Road, East Molesey: Metal Railing Detail (1:20)
 - 3) The brickwork to be used in the construction of the boundary wall hereby permitted shall match that used in the existing dwelling, as specified on the approved plans.
 - 4) Prior to their erection on site, a sample of the materials to be used for the railings for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. I am advised that the Council granted permission under its Ref: 2019/0916 for a replacement dwelling which included, amongst other things, the demolition of the existing front boundary wall. At the time of my site visit, a brick boundary wall and piers had been constructed along the front boundary, but my decision is based on the proposals before me. In the decision, I only consider it

necessary to refer to the development proposed, namely the replacement boundary wall.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area, including on the setting of the adjacent East Molesey Kent Town Conservation Area and the setting of the listed St. Paul's Church.

Reasons

4. The appeal property is a recently completed and strikingly modern replacement dwelling on the north side of Palace Road, close to its western end and approximately opposite the junction with Parsons Mead. The surrounding area is predominantly residential. The appeal site lies outside but immediately adjacent the western boundary of the East Molesey Kent Town Conservation Area. The heritage asset of St Paul's Church, which is listed Grade II, lies over 100m to the east of the appeal site.
5. The proposal would provide a boundary wall across the whole frontage, comprising brick built piers and brick panels with metal railings above and metal railings for the vehicular and pedestrian gates. The design of the railings would be to a bespoke modern design and reflect the design already used within the site on a side gate. The bricks proposed would match the bricks used for the dwelling.
6. Although I agree with the Council that there is a length of high brick boundary walls with railings for vehicular entrances in the immediate context of the appeal property, the local area has a much greater variety of boundary treatments, ranging from open frontages to low brick walls and fences. The proposed design of the boundary wall would, in my view, reflect the design and materials of the new house and its modern design and so would result in a cohesion between the new house and front boundary treatment. It would also reflect the scale, rhythm and use of brick in front boundary walls on either side. Given the greater variety of front boundary treatments found in the local area, compared with the Council's assessment and the high quality design and attention to detail in the proposal before me, I consider the proposal to be well considered and to respect the character and appearance of the existing replacement dwelling and of the local area.
7. The proposed boundary wall would be seen when approaching or leaving the adjoining East Molesey Kent Town Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas
8. The Conservation Area lies on the south side of the river, including the tight urban pattern of streets and alleys close to the river crossing and the more open and regular pattern of residential streets further away from the river. For the reasons set out above, I do not consider that it would result in any harm to its significance or setting. The proposed front boundary treatment would continue the scale, rhythm and use of brick in front boundary walls within the Conservation Area on its eastern side.

9. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The property is and the boundary wall would be at some distance from the listed St Paul's church and given the intervening development and the variety of boundary treatments, I am also satisfied that there would be no harm to its significance or to the setting of the listed building.
10. I therefore conclude that the proposal would preserve the setting of both the East Molesey Kent Town Conservation Area as well as the listed church. I am therefore satisfied that the proposed front boundary wall and railings would respect the character and appearance of the existing property and of the local area and would preserve the setting of both the East Molesey Kent Town Conservation Area as well as the listed church. There would be no harm to Policy CS17 of the Core Strategy 2011, Policies DM2 and DM12 of the Development Management Plan 2015 and the National Planning Policy Framework, with particular reference to Sections 12 and 16, all of which seek a high quality of design which respects the local context, with particular reference to preserving the setting of conservation areas and listed buildings.

Conditions

11. I agree with the Council that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. However, I consider that the submission is sufficiently detailed in respect of the proposed brickwork which would match the brick of the existing house, so that this material does not need to be submitted to the Council, but samples of the metalwork railings should be submitted prior to their erection.

Conclusion

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

L J Evans

INSPECTOR