

Appeal Decision

Site visit made on 14 December 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/L3625/W/20/3252868

48 Rose Bushes, Epsom KT17 3NU

- 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 Mrs Tessa Irwin against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02558/HHOLD, dated 19 December 2019, was refused by notice dated 13 March 2020.
 - The development is described as "removing 2.5 metre high brick wall adjacent to highway on Montrouge Crescent and replacing it with a wooden fence 2 metres high which will now be erected on the boundary of Montrouge Crescent as opposed to being set back into the garden. Erecting a 1.5 metre brick boundary wall adjacent to the highway of Rose Bushes and installing a gate across the driveway."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of development is taken from the application form. However, the decision notice refers only to the wooden fence and the appellant has entered the same wording onto the appeal form. The Council advises that the wall and gate adjacent to Rose Bushes were omitted from the scheme at validation stage after they were found to be less than a metre in height. I have proceeded on that basis.
3. The fence adjacent to Montrouge Crescent was in situ at the time of my site visit, although it was not fully complete. I have determined the appeal on the basis that planning permission is being sought retrospectively for its erection.

Main Issue

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

Reasons

5. The appeal property is a detached bungalow located at the junction of Rose Bushes and Montrouge Crescent. The surrounding area is residential, with the dwellings set back from the road behind driveways and low level planting in front gardens. Roadside verges and parcels of amenity space contribute positively to the appearance of the area. The locality has a pleasant open plan character, with very few walls and fences evident in the street scene. Where

- such boundary treatments exist, they are positioned behind grass verges and tree/shrub planting, which softens their visual impact.
6. The fencing which is the subject of the application is constructed of timber planks laid horizontally and screwed to timber posts to form a solid screen. This form of boundary treatment extends for a distance of approximately 24 m along the side boundary of the property. The structure steps up progressively to follow the incline of Montrouge Crescent and thus the height varies along its length. However, the submitted plans show a maximum height of 2 m.
 7. The development has replaced a brick wall which was set back from the edge of the pavement; photographic evidence shows that the wall was screened by a mixture of mature shrubs and bushes. The fence has also closed off a driveway which led to a double garage. This building has been converted and alternative parking provided at the front of the property.
 8. The new fence is a prominent feature in the street scenes of Rose Bushes and Montrouge Crescent. The length, height, unconventional design and proximity to the highway combine to make the structure an incongruous and discordant feature in an environment which was designed to be softened by landscaping. The fence detracts from the character and appearance of the area and there is no opportunity for planting to mitigate the adverse visual impact.
 9. I have taken into consideration the personal reasons for needing increased security and privacy at the property. Given the background which has been outlined, such reasons are understandable. However, I must balance the needs of the individual against the wider public interest. Whilst I have sympathy with the appellant's position, the harm to the street scene is likely to endure long after the personal circumstances have ceased to be relevant. In the planning balance, the personal circumstances do not justify the harm.
 10. Recent building works in connection with a planning permission for a side extension have led to a levels difference between the pavement of Montrouge Crescent and 48 Rose Bushes. I therefore accept that it may be difficult to reinstate the landscaped grass verge as it previously existed. Nevertheless, it should be possible to achieve a secure and private rear garden in a manner which does not require such an intrusive fence. This is for the appellant to discuss with the Council; it is not a matter for the appeal.
 11. I conclude that the development is materially harmful to the character and appearance of the area. It conflicts with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (2019) insofar as this policy seeks high quality design that promotes and reinforces local distinctiveness and respects the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene.

Conclusion

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

Robert Parker

INSPECTOR