



Appeal Decision

Site Visit made on 9 February 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

Appeal Ref: APP/K3605/D/20/3263021

4 Leys Road, Oxshott, LEATHERHEAD, KT22 0QE

- 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 Forsters Shelfco 313 against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1688, dated 10 July 2020, was refused by notice dated 29 September 2020.
 - The development proposed is a 2.3m high rear boundary fence.
-

Decision

1. The appeal is allowed, and planning permission is granted for a 2.3m high rear boundary fence. at 4 Leys Road, Oxshott, LEATHERHEAD, KT22 0QE in accordance with the terms of the application, Ref 2020/1688, dated 10 July 2020, and the plans submitted with it.

Procedural Matter

2. The appeal development has already been carried out, and the application, decision of the Council and appeal submission acknowledge this. I am satisfied that the development that has been carried out, which I saw on my site visit, is the same as that which has been applied for.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and on the living conditions of the occupiers of neighbouring properties with regard to any overbearing effect and visual intrusion.

Reasons

Character and appearance

4. Leys Road is within a private estate, in which typically large properties are shielded from the road by high hedges and planting, with tall gates and fences to the front. Rear and side boundaries generally appear to be lower, and more typically domestic in scale, but at the appeal site and its neighbours, are also strongly planted.
5. The fence subject to this appeal forms the rear boundary to the site and neighbours to the rear, and is set within planting on both sides, which reduces and limits its overall visibility.

6. At 2.3m in height, the fence is marginally taller than that allowed under the permitted development regime, but in the context of the wider area, I do not consider that the height is, in itself, unduly tall or incongruous. The line of trees and other planting within which the fence is set, as well as the scale of the houses and gardens which surrounds it does, in my view, mitigate against the fence appearing unduly tall.
7. Turning to the appearance of the fence, whilst I agree that its appearance is different to a traditional timber fence, given its context, set within planting and generally green space, I do not consider that it is particularly incongruous. In reaching this conclusion, I note that were the fence to be marginally shorter, then its appearance or materials would not be an issue for determination. I must also distinguish the effects of this fence, set along the rear boundary from side boundaries, the height, appearance and effects of which would be much greater, owing to their likely proximity to, and visibility from the houses which they separate.
8. In light therefore of the screening to, and distance from the host dwelling, and the lack of visibility from the wider area, I therefore consider that the fence does not cause harm to the established character and appearance of the area. The development does therefore comply with Policies CS10 and CS17 of the Elmbridge Core Strategy July 2011 (the Core Strategy) and Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 (the DM Plan). These policies seek, amongst other things, to ensure that development integrates with local character and appearance.

Living conditions

9. Properties to the rear of the appeal site, on Montrose Gardens, which back onto the fence are closer to it than the host dwelling. As such, the fence is more visible from their properties.
10. However, as noted above, it is painted dark green and is set within, and backdropped against, substantial landscaping which is generally taller than the fence itself. As such, I do not consider that the fence appears overbearing or visually intrusive.
11. Whilst I accept that landscaping is not permanent, and is no guarantee of future, long-term screening of the boundary treatments, I consider that it would be unusual to remove it completely, particularly given the character of the area. In addition, as I have noted above, given the height of a boundary allowed under permitted development rights, I must give some weight to the proportion of the same fence which could be erected without recourse to the planning process, and the likely relative effects of that and the development before me.
12. Given the overall scale of the landscaped boundary between the appeal site and its neighbours on Montrose Gardens, as well as the colour, height and distance from the houses on Montrose Gardens, I am satisfied that whilst visible, the fence does not cause harm to living conditions by virtue of any overbearing effect or visual intrusion.

13. The development does therefore comply with Policies CS10 and CS17 of the Core Strategy, Policy DM2 of the DM Plan, and guidance in the Elmbridge Local Plan Design and Character Supplementary Planning Document April 2012. These seek, amongst other things, to ensure that development responds appropriately to its context, protects amenity and living conditions.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR