

Appeal Decision

Site visit made on 28 June 2021

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th July 2021

Appeal Ref: APP/L3625/D/21/3272385
82 Epsom Lane South, Tadworth KT20 5TB

- 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 Charles Moore against the decision of Reigate & Banstead Borough Council.
 - The application Ref 21/00042/HHOLD, dated 8 January 2021, was refused by notice dated 31 March 2021.
 - The development proposed is described as boundary fence to front of property to replace the existing hedge.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Local Planning Authority includes the word retrospective in its description of the development on its decision notice but this is not an act of development. I did note however, on my site visit, that the works for which permission are sought had already been completed.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The lower half of Epsom Lane South connects Shelveys Way with Cross Road in Tadworth. The lane has a semi-rural character with the predominantly vegetated boundaries combined with the narrow road, limited footways and high hedging providing a pleasant verdant and semi-rural feel and appearance to the street scene. Epsom Lane South has a sinuous form and the appeal site is located at and between bends in the road such that its front and flank boundaries abut the highway. Number 82, the appeal property, is a two-storey semi-detached house with a detached garage located within the plot. The plot itself is relatively flat but the surrounding area has changes in level such that the boundaries with the road sit at a higher level than the house and gardens particularly so towards the rear of the property.
5. Whilst there are some examples of fences and other hard boundary treatments in the street the overwhelming impression is that of soft vegetated boundaries.

6. The development for which permission is sought is a timber fence which the owner has installed removing the front and side hedge. The fence is, for the most part, 1.8m high with the front element reducing to 1m.
7. The fence appears as a significant and substantial intrusive boundary treatment, conflicting with the predominant form in the locality. Its materials, height and siting result in a strident appearance that results in material harm to the much softer and more natural boundary treatments in the vicinity and which results in an incongruous feature in the street scene, conflicting with the overall semi-rural character of the area.
8. There are examples of other fences in the area but these are limited in number and do not reflect the same characteristics as that the subject of this appeal. For example the front boundary at No 80 Epsom Lane South includes a timber fence but this is significantly lower, is less of a length and has planting in front of it. There is a hard boundary wall opposite, this again is softened by planting.
9. Overall, for the reasons given above I am satisfied that the boundary fence does cause material harm to the character and appearance of the surrounding area. It therefore would conflict with policy DES1 of the Reigate and Banstead Local Plan Development Management Plan 2019 which requires all new development to be of a high quality design and which amongst other matters promotes and reinforces local distinctiveness and respect for the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene.

Other matters

10. The appellant refers to the policy context including the London Plan, however the area is not in Greater London and is not covered by the London Plan.
11. The Appellant has identified a number of matters that seek to support the need for the boundary fence and which the fence seeks to address including improved privacy, sound pollution, litter, smell from animal droppings and urine, flooding, medical/ health grounds. I have considered these matters and whilst there may be some minor improvements with a solid timber fence many of these matters could also be addressed by a well-maintained vegetated boundary as with other properties in the street.
12. It is suggested that the appellant should not be penalised for the positioning of the property as the fence would otherwise be permitted development if it did not front a highway. However, that is one of the main issues; the degree of visibility, how exposed and how prominent the fence is.

Conclusions

13. The proposed development would result in material harm to the character and appearance of the area. The scheme conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate.

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

Kenneth Stone

INSPECTOR