

Appeal Decision

Site visit made on 20 September 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021.

Appeal Ref: APP/P3610/D/21/3275697

Holland House, Mospey Crescent, Epsom KT17 4LZ

- 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 Sufian Al-Shawaf against the decision of Epsom and Ewell Borough Council.
 - The application, Ref. 21/00110/FLH, dated 22 January 2021 was refused by notice dated 13 April 2021.
 - The development proposed is the installation of a 1.8m high steel railing within existing green hedge along the front and part side boundary and extension to the existing dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed boundary treatment on the appearance of the street scene, and (ii) the effect on highway safety.

Reasons

3. On the first issue, the houses in Mospey Crescent form a development that is based on open plan frontages, and it would appear that the limited exceptions to this are for the most part in the form of shrub and hedge planting.
 4. However, Holland House already has a frontage hedge that provides a greater degree of enclosure to its front curtilage than the other properties in the Crescent. Subject to its retention at its present height this may well be acceptable, as because of its corner position the dwelling reads with the houses and gardens of Burgh Heath Road as well as those in Mospey Crescent.
 5. However the proposed steel railing is too 'harsh' and formal as a means of enclosure and would draw the eye as being harmfully out of character with the open plan Crescent. I note that it would be constructed 'within' the existing hedge, but whilst this would 'soften' the visual impact of the steel railing, there is no guarantee that the hedge would then remain as a permanent boundary.
 6. A double width electronic gate of similar materials and height as the proposed fence would have a particularly adverse effect, albeit that any gate at the driveway entrance would be noticeably at odds with its immediate neighbours and the remainder of the Crescent.
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7. The appellant points out that there is already a similar steel railing fence at the nearby No. 18 Burgh Heath Road, but in that case the boundary treatment is in keeping with the street scene of the road. As regards the need for security, this is a matter to be taken into account when the house is purchased and it is not reasonable to expect houses on an open plan estate to have the same degree of security as properties in locations where impenetrable boundaries are visually acceptable.
8. The proposal would also have an adverse effect on the setting of the nearby Burgh Heath Road Conservation Area and overall on this issue, I conclude that the installation of a 1.8m high steel railing within the existing hedge along the front and part side boundary would harm the street scene. Accordingly, it would be in conflict with Policy CS5 of the Council's LDF Core Strategy 2007 and Policies DM9 & DM10 of the LDF Development Management Policies Document 2015 ('the DMPD').
9. On the second issue, the Highway Authority have requested details of vehicle/pedestrian intervisibility splays as information required before consideration is given to approval of the extension to the existing dropped kerb.
10. As far as I can tell from the information before me in this appeal, this has not been provided. And without a commitment to the provision of these splays to ensure that the access over the extended dropped kerb would be used without causing a highway safety hazard, I am also unable to allow the appeal insofar as it relates to the dropped kerb. This part of the appeal scheme would be in conflict with Policies CS1 and CS16 of the Core Strategy and Policies DM10 & DM35 of the DMPD.
11. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR