



Appeal Decision

Site visit made on 29 September 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021.

Appeal Ref: APP/G5180/D/21/3277220

245 Tubbenden Lane South, Orpington BR6 7DW

- 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 Craig Bly against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/00549/FULL6, dated 26 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is to replace the existing low-level wall and wrought iron driveway gate across the front boundary of the property. The proposed new wall will be a metre high with 3ft of open horizontal slat railing above the wall and pillars to support the railings. The new sliding gate will be open horizontal slat to match the railings. The overall height we would like to achieve for the new proposed wall and gate is 6ft.
-

Procedural Matter

1. The proposed development is described as a front boundary wall, railings and gate on the decision notice and the appeal form and as this is a more succinct description than on the application form and quoted above, I shall refer to the development as such.

Decision

2. The appeal is dismissed.

Main Issue

3. I consider that the main issue is the effect of the front boundary wall, railings and gate on the character and appearance of the area.

Reasons

4. At the time of my site visit the wall, railings and gate had already been erected. They are to the front of the house and visible in the street scene. Tubbenden Lane South is a narrow tree lined road and the appeal site is a detached house set back from the road with a grass verge between its front boundary and the pavement. The wall, railings and gate are set behind the grass verge.
5. From the submitted plans, the current boundary treatment replaced a lower wall and gates not dissimilar generally to others in this part of Tubbenden Lane South. Although the replacement boundary treatment is set behind the grass verge it is still quite striking in the street scene. Its high visibility is highlighted by its location opposite the junction with Cobden Road.

6. Local Plan¹ policy 37 indicates that all development will be expected to be of a high standard of design and amongst other things, positively contribute to the existing street scene. Policy 6 requires alterations to residential properties to compliment the host dwelling and be compatible with development in the surrounding area.
7. I note that the boundary treatments in the road differ in terms of the style of house they relate to and their location in the road. I also note that No 245 has been renovated and modernised and is rendered with a grey roof. The materials in the wall, railings and gate reflect those used on the house and in this context, they could be considered as complying with Policy 6 in part. However, within the street scene they are prominent and incongruous and detract from the general character and appearance of the area. As such they conflict with the aims of policies 6 and 37.
8. The appellant questions whether the wall, railings and gate need planning permission. It is not the function of this Section 78 appeal to determine whether the boundary treatment is permitted development² and there are other mechanisms for pursuing this. I have assessed this appeal on the basis of the proposal before me.
9. I have taken into account the National Planning Policy Framework³ together with all other matters raised but none alter my conclusion. I conclude that the front boundary wall, railings and gate have a harmful effect on the character and appearance of the area. They conflict with the Local Plan policies above and therefore the appeal fails.

J D Clark

INSPECTOR

¹ London Borough of Bromley Local Development Framework Local Plan, January 2019.

² Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).