



Appeal Decision

Site visit made on 14 October 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/Z5630/D/21/3279093

1 Walpole Road, Surbiton KT6 6BU

- 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 Dharmesh Patel against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 21/00565/HOU, dated 15 February 2021, was refused by notice dated 26 April 2021
 - The development proposed is to replace of an existing timber fence with a timber acoustic fence around the boundary of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property fronts Walpole Road but has a lengthy side boundary to Upper Brighton Road (A243) which is a busy road well used by cars and pedestrians. The side boundary is currently formed of an approximately 1.8m close boarded fence with large conifer trees behind within the garden. Whilst there is some variation, properties along this part of Upper Brighton Road are primarily set back from the road with front boundaries comprising low-level walls/fences and vegetation. This gives the area a relatively open and verdant character.
4. Opposite the appeal site to the other side of Upper Brighton Road is also a taller close boarded fence, which forms the side boundary to a property in Lovelace Lane. Thereby the stretch of road between Walpole Road and Lovelace Lane is already more enclosed.
5. As per the existing, the proposed acoustic fence would be sited on the back edge of the footway. However, the height would be increased to 3m which would be significantly taller than the prevailing form of boundary treatments. In my view the increased height would create a dominant and imposing feature. As such, whilst the general design and materials would be in keeping, the scale of the fence would have an adverse impact on the street scene, both along Upper Brighton Road and as the terminus at the end of Lovelace Lane.

6. The appellant highlights examples of other tall boundary treatments in the area which I saw on my site visit. However, I agree with the Council that these have a different context and are either set back, relate to ground level changes or are for a limited distance. Therefore, I do not find that these are directly comparable to the appeal site where the fence would be directly on the footway and extend for a substantial length.
7. I acknowledge that 1 Walpole Road has an atypical orientation to other properties along Upper Brighton Road, and as a side boundary the occupiers seek greater enclosure for privacy and security reasons. The appellant explains that the potential for intrusion has increased following the cutting back of the vegetation and the installation of a pedestrian crossing. Nevertheless, in my view there are other ways this could be achieved and does not justify the erection of a prominent and incongruous feature which would be harmful to the character and appearance of the wider area.
8. I therefore find that the proposal would conflict with policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy 2012 and policy D3 of the London Plan 2021 which seek to protect the suburban character of the Borough, and for proposals to be of a high quality design that respects the character and appearance of the area.

Other Matters

9. The application is accompanied by a noise report which indicates that noise measurements have found levels within the garden to be above World Health Organisation (WHO) guidelines. I accept that the acoustic fencing would assist in reducing noise for the occupiers, although this is only to a limited degree - the report explains that a fence of 4.5m would be necessary to achieve the recommendations in the WHO guidance. As such, whilst I give some weight to the fence providing noise mitigation it does not outweigh the significant visual harm to the area and associated conflict with policy.

Conclusion

10. For the reasons set out above and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR