



Appeal Decision

Site visit made on 21 February 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2022

Appeal Ref: APP/G5180/D/22/3290119

48 Park Avenue, Bromley, Kent BR1 4EE

- 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 and Mrs Kanapathippillai Iynharan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02433/FULL6, dated 5 May 2021, was refused by notice dated 20 October 2021.
 - The development proposed is described on the application form as 'form a wall with fencing between Nos 48 and 50 Park Avenue, heights in excess of 2 metres – see written agreement between two householders'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the consideration of the application, amended drawing reference no. P544 B02 Revision A was submitted, and it formed one of the drawings upon which the Council's decision was made. That drawing depicts a new 1.8 metre high wall along the front section of the side boundary with 50 Park Avenue ('No 50') instead of a 1.8 metre high fence as originally proposed. Consequently, my decision is based upon that revised drawing, along with the other submitted documents.
3. Whilst there was a timber fence along the front section of the side boundary with No 50 at the time of my visit, the rear section of boundary comprising a brick wall, with brick piers and fencing panels was already in place. I have therefore dealt with this appeal on the basis of a proposed new wall to replace the fence on the front section of the side boundary with No 50, and the retention of the remainder of the boundary treatment along that side.
4. I have also dealt with another appeal (Ref: APP/G5180/D/22/3290123) on this site. That appeal is the subject of a separate decision.

Main Issues

5. The main issues are the effect of the existing and proposed development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers at No 50; and
 - The safety of highway users on Park Avenue.

Reasons

Character and appearance

6. The buildings along Park Avenue are typically set well back from the highway behind front gardens and areas of hardstanding. The boundaries to the front section of the plots are varied, and include a mix of walls, fences, railings and hedgerows. Most of those boundary structures are fairly modest in height. As a result of that, together with hedgerows, trees and landscaping, the streetscene has a predominantly spacious and verdant character. To the rear of the buildings the area's character is typically more secluded, with the large gardens near to the appeal site often enclosed by timber fences or hedgerows.
7. The existing boundary treatment the subject of this appeal is taller than most nearby boundary structures, and its style, with a low brick wall, inset timber panels and circular finials on top of 2.2 metre high brick piers, is more ornate. Given its recent construction and the absence of landscaping around it, it has a rather stark appearance which contrasts with some nearby well-established plot boundaries which are set amongst landscaping.
8. However, in the context of the varied boundary treatment nearby, and given the limited views of the development from public vantage points, I do not consider that the existing structure has caused significant harm to the character and appearance of the area. In reaching that conclusion I also note that the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') permits 2 metre high means of enclosure in locations such as this.
9. Turning to the proposed brick wall to the front of the side boundary, this would be far more prominent in Park Avenue than the rest of the boundary treatment the subject of this appeal. Although it would be stepped to follow the topography, given its 1.8 metre height and solid brick construction, and its siting, it would stand out as a harsh and incongruous feature in the streetscene, which would jar with Park Avenue's generally much more open and landscaped character.
10. At paragraph 6.32 of their grounds of appeal the appellants cite examples of walls and piers in Park Avenue. However, on my visit I observed few boundary walls comparable in height to that proposed here, and this one would be at odds with the area's prevailing character. Consequently, those examples do not change my view regarding the harm that would be caused by the proposed 1.8 metre high brick wall in this prominent location.
11. The appellants state that in accordance with the GPDO, only the part of the proposed wall adjacent to the highway requires planning permission. However, the proposal in that location is much taller than the GPDO's fallback option. They have also suggested that a condition could be applied to reduce the height of that part of the proposed wall adjacent to the highway which is not permitted by the GPDO. However, that is not the development before me, I do not have the wording of such a condition, and there would be little certainty regarding the length and height of the proposed reduction.
12. Amongst other things, Policy 37 of the Bromley Local Plan 2019 ('BLP') requires development to complement the scale, proportion, form, layout and materials of the area and to positively contribute to the streetscene. The supporting text

refers to the need to encourage local distinctiveness and sense of place. For the above reasons the scheme would conflict with that policy.

Living conditions

13. No 50 faces its wide rear garden with the existing wall, fencing panels and piers off set to one side. Whilst that boundary is a more substantial and starker feature than the landscaping it replaced, according to the appellants and the Council the brick wall and fencing panels have a combined height of around 2.1 metres, which is only just above the height permitted by the GPDO. Although there are also taller piers topped with small finials, these are intermittent features. To the front the proposed wall would be 1.8 metres high which is not dissimilar to a typical domestic close boarded timber fence.
14. Consequently, whilst the existing boundary treatment is clearly visible from the rear face and garden of No 50, and the proposed front section of wall would be visible from its front face and garden, I am satisfied that the scheme as a whole would not have a significant overbearing impact on those occupants' living conditions. It does not therefore conflict with that part of BLP Policy 37 which requires development to respect the amenity of neighbouring occupiers.

Highway safety

15. Park Avenue is wide and straight, with pavements and sections of verge on each side. Consequently, notwithstanding some roadside parking, driver visibility along it is good. On my visit I observed that it carried a modest volume of traffic, although I appreciate that is just a snapshot in time.
16. The proposed 1.8 metre high wall would abut the edge of the pavement, thus limiting visibility in a easterly direction for drivers emerging from the site. However, there are many nearby plots with brick piers, hedgerows, fences and other boundary features which, although lower than this proposed wall, nevertheless have a broadly similar effect on driver visibility.
17. Additionally, a single dwelling typically generates a very modest amount of traffic, and in my view it is not unreasonable to expect that, with the proposed wall in place, the occupants would exit the host property in their vehicles cautiously and slowly so as to avoid significantly affecting the safety of other highway users, including pedestrians on the adjacent pavement.
18. For those reasons, the proposal would not have a significant adverse effect on highway safety, and it would not therefore conflict with BLP Policy 32.

Conclusions

19. Whilst the scheme would not have a significant adverse effect on highway safety, and it would not harmfully impact the living conditions of adjacent occupiers, the proposed front section of side wall would significantly harm the character and appearance of the area. The scheme would therefore conflict with the development plan and, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR