



Appeal Decision

Site visit made on 15 June 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/R3650/C/21/3288887
67 Greenfield Road, Farnham GU9 8TQ

- 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 Salman Patel and Mrs Hibat Bajwa against the decision of Waverley Borough Council.
 - The application Ref WA/2021/01309, dated 25 March 2021, was refused by notice dated 07 October 2021.
 - The development proposed is 'Erection of extensions, alterations to elevations and erection of 2m fence following demolition of existing garage'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application. The description given on the application form was "*proposal of a double storey side and rear extension with a new front porch with a new outbuilding attached following the demolition garage*". Whilst the amended description is less specific as to the type of extensions proposed, it does refer to the proposed fence. I have utilised the amended description, as the proposed fence is the primary concern of the Appellants (as addressed below).
3. The Appellants provided an Enforcement Notice Appeal Form, however, this is a section 78 appeal against refusal of a planning application, as set out in the heading above.
4. The Appellant's Grounds of Appeal indicate that they do not wish to appeal the Council's decision in respect of anything other than the erection of the fence. The Appellants have not conceded to the Council's reasons for refusal in respect of the extensions, but they have also not addressed them in the appeal documents. In requesting to appeal only the fence element of the scheme, the Appellant is seeking a split decision in respect of the proposed development as described. Section s79(1)(b) of the Town and Country Planning Act 1990 (as amended) (the Act) conveys on Inspectors the right to split a decision on a s78 appeal by allowing one part of a scheme and dismissing the rest (although it is not obligatory to do so).
5. To effectively split a decision, the two parts of the scheme must be clearly severable both physically and functionally. The proposed fence is physically separate from the proposed extensions. However, it is not functionally separate from the rest of the appeal scheme as proposed. Indeed, there are no separate

plans for the fence element and no scaled front elevations of the fence. The fence was not included on the original description of the development and the manner in which it is described in the current description is integral to the whole scheme. The descriptions of the fence are inconsistent; one side elevation plan is annotated and scaled to 1.7 metres height, one plan is annotated to 2 metres height, the description refers to 2 metres height and the Appellant's Grounds of Appeal refer to 1.8 metres height. These inconsistencies and lack of detail around the proposed design of the fence may possibly have been overcome, were I minded to allow the appeal as a whole, by way of a condition requiring submission of details. However, the fence is functionally reliant on the rest of the appeal scheme in this respect and the two cannot be severed for the purposes of a split decision.

6. The fence element of the appeal proposal has been constructed and is retrospective. I was able to view the fence in situ at the time of my visit.

Main Issues

7. The main issues are:

- The effect of the proposal on the character and appearance of the host building and surrounding area; and,
- The effect of the proposal on the living conditions of occupiers of neighbouring property.

Reasons

Character and appearance

8. The appeal site is a semi-detached dwelling within a predominantly residential street, which comprises in part of semi-detached dwellings of very similar type, scale and design (albeit with some marked difference in the use of materials). This creates a strong sense of uniformity and regularity in the street scene. The appeal site is situated adjacent to an open sports ground and as such, its western flank wall is more prominent in the street scene than that of other dwellings, which are arranged side-to-side as semi-detached pairs. Some of the hedge which previously screened the front and flank of the appeal site was removed and replaced by the fence, which is somewhat lower than the hedge. As such, the flank wall of the dwelling has increased prominence.
9. The appeal proposal would introduce an extensive two-storey full-width rear extension with a twin-gabled roof, and a further single storey flat roofed extension in the place of an existing garage which would be demolished. The extensions would not be proportionate to the overall scale of the host dwelling and would dominate it. Moreover, the massive flank elevation would be prominent in the street scene and would be a discordant, incongruous feature in the street.
10. Whilst fences are a common boundary feature within the street and its surroundings, they generally extend the depth of the front garden to separate plots, and solid fencing is predominantly low height. In contrast, the appeal proposal introduces a 1.7 to 2 metre high solid fence along the width of the plot, thereby enclosing the front of the site entirely. This is out of keeping with the more mixed landscaping, mid-level boundary treatments along the street, which maintain a sense of openness and proportionate scale. Moreover, the

sense of overbearing enclosure is exacerbated by the significant change in ground level between the street and the dwelling; the fence obscures almost the entire front elevation of the dwelling from view in the street, which both dominates the dwelling and the fence a prominent feature in the street scene. Whilst the fence is solid, it is constructed of thin horizontal slats, which appears less substantial and poorer quality than other fences in the area, including the examples referred to by the Appellants.

11. Whilst it is acknowledged that there is a bus stop immediately in front of the site, and therefore that privacy is a concern of the Appellants, this does not outweigh the harm caused by the poor design of the fence. It may be possible that a more appropriate design of boundary feature could provide the security and privacy sought without such an adverse impact on the character and appearance of the area.
12. Therefore, the proposal is contrary to policy TD1 of the Local Plan Part 1 Strategic Policies and Sites (LP pt1), adopted 2018, saved policies D1 and D4 of the Local Plan (LP), adopted 2002, policies FNP1 and FNP16 of the Farnham Neighbourhood Plan (NP), made 2013, the Framework, and also the guidance within the Residential Extensions Supplementary Planning Document. These policies seek, amongst other things, development of a high-quality design which has regard to, and integrates with, local character and distinctiveness.

Living conditions

13. The appeal scheme would introduce a full-width rear extension at two-storey height. This extension would directly abut the boundary with the attached dwelling to the east, which would adversely affect the outlook from this property and would create an overbearing, overshadowing relationship with this property.
14. The single-storey flat roofed extension would be on roughly the same footprint as the existing garage building and would be set away from the boundary between the semi-detached pair. As such, it would not have the same adverse impact as the two-storey element.

Therefore, the proposal is contrary to policy TD1 of the LP pt1, saved policies D1 and D4 of the LP, policies FNP1 and FNP16 of the NP the Framework, and the guidance within the Residential Extensions Supplementary Planning Document. These policies seek, amongst other things, to protect the residential amenity of neighbouring properties and ensure a good standard of living conditions.

Conclusions

15. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR