
Appeal Decision

Site visit made on 31 August 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2022

Appeal Ref: APP/Z3635/D/22/3299564

28 Ensign Way, Stanwell, TW19 7RE

- 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 Farah Mustafa against the decision of Spelthorne Borough Council.
 - The application Ref 21/01933/HOU, dated 19 December 2021, was refused by notice dated 28 February 2022.
 - The development proposed is the erection of a single storey side extension and a detached outbuilding to the front (following demolition of existing detached garage with existing storage structure). Reposition and amended high boundary treatment fronting the highway on the northern side comprising 1.85 metres high timber fence with concrete posts (partially retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.
3. The proposed development subject of this appeal consists of three elements: a single storey side extension; a detached outbuilding; and a 1.85 metre high timber fence. It is clear from the appellant's appeal submission that he has no dispute with the Council regarding its decision to refuse the application as it relates to the proposed side extension and detached outbuilding. I shall therefore confine my detailed consideration to the 1.85 metre fence.
4. At the time of my visit a fence had been constructed comprising concrete posts and panels. The proposal is to retain the fence but replace the concrete panels with timber panels.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the surrounding area.

Reasons

6. The appeal site is an end of terrace house close to the junction of Ensign Way and Viscount Road. Houses and flats on both roads are set back behind front

gardens, landscaped areas, or driveways. Frontages are either open at the pavement edge or with low boundary walls or hedges.

7. A square piece of land on the corner at the junction provides side gardens for the appeal property and the neighbouring house on Viscount Road. Other houses similarly close to junctions have side or rear gardens with boundaries fronting onto the road. Those on the appeal site side of the road between Nos 18 and 20, and 22 and 24 Ensign Way, and on the corner plot opposite the appeal site, have approximately 2m high boundary fences set behind landscaped buffers that extend up to the pavement. These buffer areas assist in maintaining the relatively open frontage that characterises the street scene.
8. A buffer strip also extends behind the pavement in front of the neighbour's garden on Viscount Road but ends at the appeal site where the fence subject of this appeal runs up to the pavement edge. This creates a hard boundary at odds with, and harmful to, the open character that I have identified. I appreciate that the appellant's proposal to replace the concrete fence panels with wooden panels would be more in keeping with other boundary fences on corner plots. Nonetheless, it is the loss of the buffer strip by repositioning the fence that has caused unacceptable harm to the character of the area, rather than the fence itself. The development therefore conflicts with Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 and the National Planning Policy Framework which support good design that creates high quality places and development that retains significant landscape features and provides suitable boundary treatments.

Other Matters

9. I have considered matters in support of the application, including that the fence would prevent litter being deposited on the street in front of the appellant's garden and the lack of objections to the proposal. However, they do not alter my opinion that the development is harmful to the character and appearance of the area. Any failure on the part of the Council to advise the appellant on whether repositioning the fence would be acceptable when selling the land to him must remain a matter between the main parties.
10. The appellant has referred to their permitted development rights as a potential fall-back position. I have no details of an alternative scheme demonstrating that it would be similar to, or more harmful than, the current proposal, or evidence that it would be developed in the event of this appeal being dismissed. As such, it is a matter of negligible weight.

11. Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR