



Appeal Decision

Site visit made on 4 October 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 NOVEMBER 2022

Appeal Ref: APP/G5180/W/22/3297154

15 Oakley Road, Bromley BR2 8HQ

- 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 Miss Linda Entecott against the decision of London Borough of Bromley Council.
 - The application Ref DC/21/04429/FULL6, dated 6 September 2021, was refused by notice dated 28 January 2022.
 - The development proposed is boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for boundary fence at 15 Oakley Road, Bromley BR2 8HQ in accordance with the terms of the application, Ref DC/21/04429/FULL6, dated 6 September 2021, and plans TQ4265NW, 1000 01 and 1000 02 submitted with it.

Preliminary Matters

2. In my decision I have taken the description of development from the Council's decision notice, which is used by the appellant on the appeal form, as it more closely describes the development. The development has already been carried out.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the Bromley Hayes and Keston Commons Conservation Area (BHKCCA) and the appeal building as a locally listed building; and (ii) the outlook from the adjoining commercial property at 13 Oakley Road.

Reasons

Character and appearance

4. I am required to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (the Framework) also requires me to give great weight to the BHKCCA's conservation, and any harm to the significance of a designated heritage asset requires clear and convincing justification.
5. From the information before me I consider the significance of the BHKCCA is the historic and architectural interest of clusters of buildings linked by historic routes across the commons. The appeal site is part of the Oakley Road/Cross

Road sub-group, where development is described as early 19th century two storey artisan cottages in pairs or short terraces. Numbers 15-59 (odds) Oakley Road are also identified by the Council as locally listed buildings. The Council advises the significance of the appeal site, and its semi-detached pair, lies in their façades.

6. The Supplementary Planning Guidance for the BHKCCA (the BHKCCA SPG) describes the Oakley Road/Cross Road sub-group as having village character with small front gardens, low hedges and picket fences which create an interesting street scene. It advises that the treatment of boundaries around individual properties and plots, particularly those to the street, has a major impact upon the appearance of the conservation area. Where new or replacement frontage or other boundary treatments are proposed, these should reflect the height, scale, materials and detailing of existing contributory features within the area. And where the opportunity for new boundary treatments arises, the planting of hedges of traditional species should be considered.
7. The frontage of the appeal site is typical of those in this part of the BHKCCA, being a small front garden enclosed by a low brick wall, with a recently planted hedge behind it. Timber fencing runs along the side boundary from the front to the centre of the appeal site but is not part of the development at appeal.
8. The fencing subject to this appeal is that surrounding the rear garden, which consists of timber fence panels with trellis above between concrete posts. The adjoining residential gardens are at similar land levels, and although higher than 2m, the fence does not appear visually intrusive, given the open nature of the trellis.
9. A small part of the rear garden fencing between the dwelling and its side boundary, faces the street. It is not unusual for solid fencing in the manner carried out, although trellis above the gate and fence is less common. Nevertheless, neither the solid fencing, nor the trellis, are excessive in height, or as a consequence harm the character or appearance of the area.
10. A fall in land levels on the boundary between the appeal site and No 13 mean the rear garden fencing is at a higher level than the lower boundary wall and fence. Public visibility is limited to a very short stretch of the road, at the entrance to the adjoining concrete driveway of the picture framing business. From this point, the difference in land levels between the appeal site and No 13 is notable. For a short section in the centre of the site, the rear garden fence appears taller where it coincides with the lower boundary fence.
11. Towards the rear of the site, where the rear garden fence stands above the brick wall, the visual effects of its height are mitigated by the contrast in materials and colours. Although the juxtaposition of the higher and lower fencing jars a little on close inspection, it is set well back on the plot, in the relatively enclosed space between buildings. As a result, it is not unduly prominent, or dominant, in the street scene. Although the BHKCCA SPG advocates consideration of traditional hedges, the rear garden fencing is not a harmful feature in this location.
12. Therefore, the development preserves the character and appearance of the BHKCCA, and does not harm its significance. It also respects the setting of the locally listed building. It accords with the relevant provisions of London

Borough of Bromley Local Plan 2019 (BLP) Policies 37, 39 and 41, which require a high standard of design in terms of scale, proportion, form and materials and respect for the setting of locally listed buildings.

Outlook

13. The adjoining property, 13 Oakley Road, is a commercial premises with a concrete car park/yard along its side and rear. The building facing the street is a picture framing shop with a first-floor residential flat. At the rear, outbuildings serve as picture framing workshops with windows facing the appeal site and the external yard.
14. The existing boundary wall opposite the workshop softens the appearance, and apparent scale, of the combined wall and rear garden fence. The fence is not higher than the eaves of the workshop buildings and is neither unpleasant nor oppressive in its commercial/industrial setting. The rear garden fence generates a greater sense of enclosure in the commercial yard, but not unacceptably so, given the distance between the workshop windows and the fence, and the open nature of the trellis.
15. The proposed development therefore does not unacceptably harm the outlook from the adjoining commercial property at 13 Oakley Road. It accords with the relevant provisions of BLP Policy 37, which requires a high standard of design and respect for the amenity of occupiers of neighbouring buildings.

Other Matters

16. Given the separation distance and open nature of the trellis, the rear garden fence does not result in a significant loss of light to the shop or workshop buildings at No 13. It may restrict the movement of wildlife between the appeal site and No 13 but is not likely to do that to a greater degree than a lower fence, which could be erected without express planning permission.

Conditions

17. I have considered the Council's suggested condition. However, I have not seen a compelling case for requiring the development to be retained strictly in accordance with the approved plans, drawings and documents in the interest of the appearance of the building and the visual amenities of the area.

Conclusion

18. For the reasons above, I conclude that the development would accord with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision other than in accordance with the development plan would be appropriate, and the appeal should therefore be allowed.

Peter White

INSPECTOR