The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH January 2023

Appeal Ref: APP/C3620/D/22/3304840
42 Badingham Drive, Fetcham, Surrey, KT22 9HA

- 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 Lee Childs against the decision of Mole Valley District Council.
- The application Ref MO/2022/0481/PLAH, dated 15 March 2022, was refused by notice dated 20 May 2022.
- The development proposed is Planting of laurels and fencing along the side boundary of property.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of development in the above banner heading as it more concisely describes the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property is a two storey dwelling which is located within a spacious open plan estate comprising of detached dwellings of various designs and architectural styles. The surrounding area has a distinctive character derived from the open planned nature of the estate, with mainly open grassed areas to the front and sides of the dwellings and wide grass verges.

5. The open plan character of the estate is safeguarded by Condition 6 of the planning permission[1] for the estate which prevents boundary fences and hedges etc being placed in the area between the back edge of the footpath to the road and the front external wall of the dwellings and similarly between the back edge of the footpath and side material flank wall of dwellings and flank screen fencing.

6. The laurel hedging has already been planted to the side of 42 Badingham Drive to enclose a grassed area of land owned by the appellant which is to the side of

[1] LPA ref. LEA/17710

the dwelling and its existing side boundary garden enclosure. The newly planted laurels are supported by timber posts to be linked by wire which the appellant states are temporary.

7. Whilst I appreciate that the timber posts are temporary, the laurel hedge encloses a significant section of open land and distracts from the planned open character and appearance of this part of the estate. It is visible in close and distant views and in my view interrupts the continuous stretch of open green space that would otherwise exist in conjunction with the open area adjacent to dwelling to the south. Furthermore, if the hedge were to continue to grow and mature, the effect of proposal in enclosing the land and detracting from its open character would be even greater over time. In my view, the open areas to the side of the dwellings throughout the estate are particularly important to its character as these areas are generally less interrupted and punctuated by driveways and parked cars for example.

8. The appellant has highlighted several examples of planting and other means of enclosure within the estate, particularly to the front of dwellings such as at 43 Badingham Drive opposite the appeal site. I acknowledge that some of these examples have had some effect in diminishing the openness of the estate but in my opinion its open plan nature remains the defining characteristic of the area.

9. I acknowledge that the large, well established hedge to the side of 24 Badingham Drive has reduced openness. Whilst the hedge does form part of the character of the area, I do not consider that it provides adequate justification for other harmful planting which would be contrary to the aims and objectives of Condition 6 of the planning permission. With regard to the example provided at 16 Badingham Drive approved in 1977, I note that a significant amount of open space was retained between the wall and footpath. In my view the relocation of the wall at 3 Dell Close also approved in 1977 has had little material effect on the openness of the original layout. I therefore afford only limited weight to these examples.

10. I understand the appellant's desire to enclose land within his ownership for privacy reasons and to prevent people cutting across it. I also understand his frustrations with regard to dog fouling and use by the public. However, these considerations do not override my concerns with regard to the harm the proposal would cause to the distinctive character and appearance of the area.

11. I therefore conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the surrounding area. Thus, the proposal would be contrary to Policy CS14 of the Mole Valley Core Strategy (2009) and Policies ENV22 and ENV23 of the Mole Valley Local Plan (2000). These policies, amongst other matters, require development to respect its setting and to respect and enhance the character of the area in which it is proposed.

Conclusion

12. For the above reasons, the appeal is dismissed.

J Davis

INSPECTOR