



Appeal Decision

Site visit made on 12th April 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 4th May 2023

Appeal Ref: APP/M3645/D/23/3315263

1 Ashwood, Warlingham CR6 9HT

- 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 Karina Hickey against the decision of Tandridge District Council.
 - The application Ref.TA/2022/505 dated 8 April 2022, was refused by notice dated 31 October 2022.
 - The development proposed is the erection of front gates, fence and brick pillars.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, there was a fence, gates and brick pillars erected on two sides of the boundary of no.1 Ashwood. The planning appeal is, however, for a fence, gates and brick pillars as shown in submitted plans no.4426 and a Location Plan dated October 2021. Whilst the gates and brick pillars may be the same as shown on the submitted plans as are erected on site, I shall treat the appeal before me as one for all the development shown in the submitted plans. I have therefore altered the description of development shown on the Planning Application Form from "retention of gates, fence and brick pillars" to the description of proposed development in the banner heading above. Accordingly, I do not treat the development as a retrospective application.
3. Restrictive covenants are private law matters which fall outside the remit of this appeal decision.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

5. The appeal site comprises a detached dwelling located on the eastern side of Ashwood and southern side of Homefield Road within the urban area in Warlingham. It incorporates a drive in/out driveway. The site is more or less flat and can accommodate some off-street parking. There are some trees with Tree Preservation Orders on them at the front (north) of the plot.
6. The development sought is the erection of a timber fence at a height of about 1.6m around the road sides of the plot with two brick pillars and black gates

along the Homefield Road side of the plot and two brick pillars and black gates along the Ashwood side of the plot.

7. The prevailing character of the area is residential with detached dwellings located on spacious plots of varying sizes and forms. The overall impression of the area is a leafy, verdant, open appearance with mature vegetation. Sites tend to feature reasonably deep frontages where soft landscaping is a key characteristic. The general openness gives the area a socially cohesive and inclusive ambiance.
8. The proposed height of the fence would be about 1.6m and the gates and brick pillars would be higher. The development would be sizeable, spreading around the corner of Ashwood into Homefield Road. At the proposed heights and lengths the development would appear stark and out of keeping with the prevailing open character of the area. Whilst there are boundary treatments in the area which include fences, these are generally lower fences, some obscured by hedging or some having hedging protruding higher than the fence. Even though they create enclosure, they at least lend a natural greenness to the appearance of the streetscene.
9. Furthermore, broadly speaking, front elevations of dwellings are not significantly obscured and the variety of architectural details can be appreciated. This would not be the case with the appeal dwelling as it would be much more obscured than many other dwellings in the vicinity and the fence, pillars and gates would present a hard edge to the streetscenes.
10. When the combined height of the fence, gates and pillars is considered in conjunction with the length of the fence overall, the development would represent a visually obtrusive form of development resulting in unacceptable harm to the character and appearance of the site and area.
11. Consequently, I conclude that the proposed development would unduly harm the character and appearance of the existing site and surrounding area and would be contrary to policy CSP18 of the Tandridge District Core Strategy (adopted 2008) and policies DP7 and DP9 of the Tandridge District Local Plan Part 2: Detailed Policies (adopted 2014).

Conclusion

12. Having taken into account all representations made including the desire for privacy and security, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR