



Appeal Decision

Site visit made on 23 May 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/K3605/W/22/3306631

100 Tilt Road, Cobham, Surrey KT11 3HQ

- 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 Matthew Mitchell (Up Developings Ltd) against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0634, dated 25 February 2022, was refused by notice dated 27 July 2022.
 - The development is described as "Retrospective change of use, and enclosure of land with 2 metre high fence, from public highway to domestic garden."
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Decision

1. The appeal is allowed and planning permission is granted for change of use from public highway to domestic garden and installation of 2 metre high fence at 100 Tilt Road, Cobham, Surrey KT11 3HQ in accordance with the terms of the application, Ref 2022/0634, dated 25 February 2022 and the following plans submitted with it: B1045-101 Location Plan; B1045-102 Site Plan; B1045-103 Side Elevations; and B1045-104 Front Elevations.

Preliminary Matters

2. I have used the description on the appeal form in my decision above for clarity and removed words not relating to acts of development.
3. The application form states the development was completed in February 2014. I saw during my site visit that a fence has been erected and the site is being used as an additional area of garden by the occupants of No 100 Tilt Road. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Tilt Conservation Area (TCA).

Reasons

5. The TCA comprises a linear settlement set around a series of informal open spaces. Having regard to the TCA Character Appraisal, the TCA's significance derives from its history as groups of dwellings that emerged on the edge of a large area of common land, and from its distinctive architecture within different character areas. The appeal site contributes to this significance as part of the 'planned' northern edge of the common land, where plot sizes, building lines, the scale and form of houses and their architectural features are largely

consistent. It is also one of several houses fronting Tilt Road that have uninterrupted or oblique views to open countryside. These features, along with the prevalence of wide, grassy footways and natural boundaries, and the sense of spaciousness, make a positive contribution to the character and appearance of the TCA.

6. The change to the boundary of the plot at No 100 Tilt Road results in a slightly wider rear garden at this house than those behind adjacent dwellings in the row. However, the modest size of the change and end of row location mean there is little effect on the regular pattern of development in the vicinity, so the change is not harmful. There is no change to the front of the plot or house so the appearance of the houses from Tilt Road is unaffected. There is also no change to the views from the appeal site towards the open countryside.
7. Although somewhat narrower than before, a generous grassy verge remains on either side of the footway on the appeal site's side of the street. This continues to provide sufficient space for pedestrians, including those with mobility difficulties, dog walkers and those who wish to stop and talk. The height of the fence is comparable to other boundary treatments along the same road. Given the width of the road and footway relative to the height of the fence, there is little sense of enclosure and a spacious feel remains.
8. Although hedges are common in the TCA, there are wooden fences along parts of Tilt Road and in other side streets, so the fence does not look inconsistent with its surroundings. The planting along the outside boundary helps to soften the appearance of the fence. However, even if this planting were not present, the fence is not a significant feature in its verdant context and does not detract from the contribution the landscape setting of Tilt Road makes to the well-being of residents and passers-by. Consequently, there is no harm to the significance of the TCA.
9. For the above reasons, I conclude the development preserves the character and appearance of the TCA and accords with Policies DM2 and DM12 of the Elmbridge Local Plan Development Management Plan and Policy CS17 of the Elmbridge Core Strategy (CS). These policies require development, including landscape features, to preserve or enhance the character of the area, and to integrate sensitively with the locally distinctive landscape, townscape and heritage assets, such as Conservation Areas. The development also complies with the National Planning Policy Framework (the Framework) where it requires consideration to be given to the impact of a proposal on the significance of a designated heritage asset, and great weight to be given to the asset's conservation.
10. Policy CS10 of the CS is concerned with the provision of new dwellings, town centres and infrastructure in the vicinity of the appeal site, so is not relevant to this decision.

Other Matters

11. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

12. The Council is satisfied in relation to highway safety and the effect of the development on the living conditions of neighbouring occupiers, including light, privacy and outlook. I see no reason to disagree with these conclusions. However, compliance with the development plan in these respects is a neutral factor.
13. I accept there have been changes to the position of the fence since it was first erected. Nevertheless, I have based my decision on the plans before me. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. Permissions under other regulatory regimes are also outside my jurisdiction.
14. As the development has already taken place, a condition requiring compliance with plans is not necessary.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, I conclude the appeal should be allowed.

C Carpenter

INSPECTOR