



Appeal Decision

Site visit made on 3 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/P5870/W/23/3316873

21 Westmead Road, Sutton SM1 4JT

- 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 Jenny Powell against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/01678, dated 15 September 2022, was refused by notice dated 18 January 2023.
 - The development proposed is the retention of front and side fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the decision notice and appeal form as this is the most succinct version.
3. At the time of my site visit the fence had been erected and this appeared to be accurately reflected on the submitted plans. I have proceeded accordingly.

Main Issue

4. The effect of the development on the character and appearance of the area.

Reasons

5. The appeal property occupies a corner plot within a predominantly residential area. The boundary treatment in this locality is typically low walls and fences, as well as some examples of planting and trees.
6. To the contrary, the appeal fence as erected is of a considerable height and wraps around the front and side of the appeal site by a very significant length. It is therefore an imposing and obtrusive feature in the street scene which jars markedly with the prevalent boundary type and creates an overbearing sense of enclosure to this otherwise open aspect at this prominent corner location. The natural material and finish of the fence does not overcome this harm, but rather adds to its stark and impermeable appearance.
7. I acknowledge that taller fence panels or walls are often used at side boundaries of corner plots to provide privacy to rear gardens. However, these tend to be of a shorter stretch and towards the rear of the plot, as seen at the dwelling opposite the appeal site, thus they have a less dominant effect on the street scene and corner than the appeal development.

8. I note that the fence is a replacement of an earlier boundary treatment which suffered damage. Based on the evidence before me, it seems that the previous boundary did not have planning permission. Nevertheless, it appeared to be lower in height and consisted of brick and fence panels. It is not therefore directly comparable.
9. Even if the appeal property is unique in its design and arrangement of residential accommodation, and that other properties in this locality tend to have driveways to the front, I do not agree that the appeal development would not set a precedent. It may still be possible for other, similarly harmful, tall boundary treatments to be erected along the highway boundary.
10. Accordingly, the development harms the character and appearance of the area. It conflicts with Policy 28 of the Sutton Local Plan 2016-2031 (February 2018) which aims to ensure developments respect the local context, responds to local character and make a positive contribution to the street frontage, street scene and/or public realm, amongst other things.
11. It also conflicts with the guidance in the Design of Residential Extensions Supplementary Planning Document (SPD4) (October 2006) which aims for developments which do not have a negative impact on the street scene. The letters of support do not outweigh the harm I have identified.

Other Matters

12. I note that the fence is intended to provide a safe and secure outdoor area for the appellant's children, who suffer from medical conditions. Therefore, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.
13. Whilst I am mindful of the needs of the family members, it has not been demonstrated that the design of the fence is the only means to provide a secure garden or that it represents the least harmful option. I am therefore satisfied that the PSED considerations do not outweigh the harm to the character and appearance of the area which I have identified and that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest.
14. Although I appreciate and sympathise with the financial implications of the development, this is not a material planning consideration in this case.

Conclusion

15. The development conflicts with the development plan when read as a whole and there are no other considerations of sufficient weight that indicate a decision should be made other than in accordance with it. The appeal should therefore be dismissed.

H Ellison
INSPECTOR