



Appeal Decision

Site visit made on 17 November 2023

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/L5240/D/23/3327304

7 Oak Way, Croydon CR0 7ST

- 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 Phuc Van Vu against the decision of London Borough of Croydon.
 - The application Ref 23/01549/HSE, dated 20 April 2023, was refused by notice dated 19 July 2023.
 - The development proposed is described as the raising of column heights to front boundary wall and installation of metal railings over front and side boundary walls and sliding metal gate to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been partly undertaken. I am therefore considering this aspect of the development retrospectively.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal property is a single storey detached dwellinghouse. It is situated on a residential cul-de-sac where there is a variety of property styles and sizes. Properties are set back from the highway with front gardens and/or driveways. Some properties have no front boundary treatments giving them an open appearance. Others have walls of around 1m in height or less, whilst others have low walls with railings in between low brick piers. Although there is a range of front boundary treatments, for the vast majority, they are low in nature. This gives the area an open aspect which positively contributes to its overall character and appearance.
5. The appeal property is sited at the top of the cul-de-sac where the boundary treatment projects forward of the property so that it is highly prominent in the street.
6. The existing and proposed boundary treatment at the appeal property is markedly different to those of the surrounding properties. Although the brick

part of the lower sections of the wall are not too dissimilar in terms of height and design to other properties, the cumulative impact of the railings on top of the wall, and several high brick piers, would result in it being harmfully out of character with the immediate surroundings.

7. The combination of its height, length and design, results in a dominant feature being created in the street-scene, which, when viewed against the other boundary treatments, would appear incongruous and visually discordant.
8. I acknowledge that there are some examples of higher boundaries in the wider area. They are not, however, within the area immediately surrounding the appeal site and so do not alter my views expressed above about the character and appearance of the locality. For the most part, the examples relate to the sides and rear of properties and do not wrap around the entire frontage. Furthermore, I do not have full details relating to the planning background of these installations.
9. The appellant has referred to the presence of high hedges at properties in the surrounding area and that there were previously high hedges at the appeal property. The planting of hedges is rarely subject to planning control and given the material difference between hedges and a wall with railings, including aesthetically and ecologically, I give the presence of hedges limited weight in favour of the appeal.
10. I therefore find that the development would cause significant harm to the character and appearance of the area. It would be contrary to Policies SP4.1 and DM10 of the Croydon Local Plan (2018) and Policy D4 of the London Plan (2021). These policies require, amongst other things, that development is of a high quality of design that respects the character and appearance of existing areas.

Highway safety

11. The dwelling is accessed via a shared driveway which leads from Oak Way. This shared access serves the appeal property and another dwelling.
12. Due to the position of the access and the public footpath, drivers would have good visibility of any pedestrians prior to crossing the footpath. The access would be fairly wide, and the open nature of the railings would allow views to penetrate through to the footpath. Likewise, pedestrians would have visibility of cars exiting the appeal site. When combined with the speed that vehicles would be exiting the driveway, I do not consider that there would be harm to pedestrian or highway safety as a result.
13. The development would not cause harm to pedestrian and highway safety. It would, comply with Policy DM29 of the Croydon Local Plan and Policy T4 of the London Plan (2021). Collectively, these policies require that development does not have a detrimental impact on pedestrian and highway safety.

Other Matters

14. The appellant has raised the 'fallback' position that allows for boundary treatments of up to 1 metre in height to be erected where they are adjacent to a highway used by vehicular traffic and for boundary treatments of up to 2 metres in height to be erected elsewhere.

15. I have had regard to the fallback. Although, as the appellant suggests, it may be applicable to some elements of the boundary treatment, it would not be applicable to all. The fallback would therefore be quite different to the development before me when taken as a whole, and I give it limited weight.

Conclusion

16. Although I have found that the development would not cause harm to pedestrian and highway safety, this does not outweigh the harm that would be caused to the character and appearance of the area.

17. The development therefore conflicts with the development plan and there are no other considerations, including the National Planning Policy Framework (2023), that outweigh this conflict.

18. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR