



Appeal Decision

Site visit made on 6 December 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/K3605/D/23/3326220

74 Manor Road South, Esher, Surrey, KT10 0QQ

- 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 Chris Blanchard against the decision of Elmbridge Borough Council.
 - The application Ref. 2022/3540, dated 20 February 2023, was refused by notice dated 18 May 2023.
 - The development proposed is part retrospective application for new driveway, front entrance gates, front boundary wall and side wall.
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Decision

1. The appeal is allowed and planning permission is granted for part retrospective application for new driveway, front entrance gates, front boundary wall and side wall at 74 Manor Road South, Esher, Surrey, KT10 0QQ, in accordance with the terms of the application, Ref. 2022/3540, dated 20 February 2023 and the plans submitted with it, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan dated 28 Feb 2023; 141222/1 Rev.B; 141222/2.
 - 3) The development hereby permitted shall be carried out in accordance with the following materials: Brick Walls and piers - Ashdown Red; Gates – Wooden. Or such other materials that have first been submitted to and approved in writing by the Local Planning Authority.

Preliminary Matters

2. I have taken the description of development from the decision notice as this is more concise than that on the application form.
3. The reason for refusal refers to the National Planning Policy Framework (July 2021) (Framework), but since then the Framework has been updated, in September 2023. However, the design and amenity policies of the Framework remain unchanged in the September 2023 version.

Main Issue

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

Reasons

5. The Council's reason for refusal refers to policies CS9 and CS17 of the Elmbridge Core Strategy (July 2011) (ECS) and policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015) (EDMP). Combined, these policies seek, amongst other requirements, to ensure that development: is of a good quality design; contributes to local character and distinctiveness; takes account of the natural, built and historic environment; and seeks to preserve or enhance the character of an area.
6. The Council have also referred to the Design & Character Supplementary Planning Document (April 2012) (Design SPD). Section 5 of this document refers to the use of a variety of boundary treatments. Under the heading 'Boundaries' Figure 5.23 shows various boundary treatments including full height walls with gates, piers and copings, and indicates that this form of treatment would be acceptable in well-established suburban areas. The preceding paragraph, 5.96, also states that where boundary treatments make a consistent and positive contribution to character, this design should be adhered to. It continues by stating that this advice applies to areas where village design statements or sub area companion guides have identified such features as an important aspect of local character.
7. The Council appear to indicate that the appeal site falls within the Esher character area, whilst the Appellant has referred to the Hinchley Wood character area. Even so, section 3 of the Design SPD, which appraises the various character areas of the Borough, does not indicate, in either case, that boundary treatments are an important part of those character areas or are 'Key Features'.
8. More up to date policy guidance is provided in paragraph 130 of the Framework which states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. The policies and guidance of the ECS, EDMP and Design SPD, all predate the Framework as well as the National Design Guide (NDG) (January 2021). The latter reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
9. The appeal proposal is a part retrospective application with the new front and side boundary walls and piers already in place. As well as seeking planning permission for their retention, the proposal also includes provision for two new wooden entrance gates.
10. The appeal site is located on a bend in the road and at the bottom of a hill just south of the junction of Manor Road South with Greenways. The appeal site comprises a detached property with its frontage largely tarmacked and used for off street parking. Similar detached properties are to be found within the surrounding area. The front boundary to the appeal site abuts the back edge of the pavement beyond which is a grass verge fronting onto Manor Road South, which is a busy road.
11. The Council contend that the proposed boundary treatment would be overly dominant and incongruous within the streetscene. I do not agree. As I observed on my site visit, there are a variety of boundary treatments within the surrounding area, particularly on Manor Road South and Greenways.

Some of these boundaries comprise brick walls with piers and iron railings of a similar height to that proposed. Others comprise high hedging and close boarded timber fencing on dwarf walls (with hedging behind) and some have dwarf walls with otherwise open frontages. Where there are open frontages, some of these are dominated by off street parking. Overall, there is, in my view, no consistency to the boundary treatments in the area and there is no prevailing design that makes a positive contribution to local character.

12. Within the above context, I accept that the proposal would result in a change to the appearance of this part of Manor Road South, but I am satisfied that, on balance, the resulting impact on its character and appearance would not be harmful. As I mentioned earlier, there is a variety of boundary treatments within the surrounding area and their existence has not resulted in any harmful impact on character or appearance. Consequently, even though the proposed wall/piers would be marginally higher than some of the existing examples in the area, the proposal would not result in an overly dominant or incongruous form of development.
13. Whilst the proposal would not allow views into the frontage of the appeal site, in other cases where similar screening exists (either in the form of high fencing or hedging), that boundary treatment has not led to any significant harm to the character of the road. As I also confirmed earlier, the Design SPD refers to the use of a variety of boundary treatments within well-established suburban locations, such as Manor Road South. Those treatments include full height walls with piers and gates. Consequently, the appeal proposal would be broadly consistent with the Design SPD's general guidance.
14. Moreover, the proposed design would be of a good quality, with locally sourced brick to match other walls/piers in the area and wooden gates that would assist in breaking up its appearance and adding further interest. The improvements and benefits that the appeal proposal would secure for the occupiers of the host property in terms of privacy, safety, security and noise mitigation, are all considerations that provide further weight and support to my findings on this issue.
15. Accordingly, I find that the appeal proposal would comply with policies CS9 and CS17 of the ECS, policy DM2 of the EDMP, the advice in the Design SPD and paragraphs 130 and 134 of the Framework.

Conditions

16. The Council has suggested a condition requiring compliance with the approved plans, which is necessary and reasonable to reflect the details of the proposed boundary treatment. I also consider that the Council's suggested materials condition is necessary and reasonable, to secure a high quality development and to reflect the details included in the application.

Conclusion

17. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR