



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/23/3324501

2 Hinchley Way, Esher, Surrey, KT10 0BD

- 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 Daniel Dow against the decision of Elmbridge Borough Council.
 - The application Ref. 2023/0626, dated 28 February 2023, was refused by notice dated 26 April 2023.
 - The development proposed is retention and alteration to front boundary wall with access gates.
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Decision

1. The appeal is allowed and planning permission is granted for retention and alteration to front boundary wall with access gates at 2 Hinchley Way, Esher, Surrey, KT10 0BD, in accordance with the terms of the application, Ref. 2023/0626, dated 28 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: 001/Rev.P1; 002/Rev.P1.
 - 3) The development hereby permitted shall be carried out in accordance with the following materials: Walls and pillars – brickwork to match existing dwelling with cast stone fluted pier caps and hardwood slatted fence above brick wall: Gates – York electric sliding gate. 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 application form
3. The reason for refusal refers to the revised 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 appeal site is located on the northern side of Hinchley Way, a short side road that runs parallel with the A309 Kingston Bypass (Bypass). 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 to the east and west of the host property. The front boundary to the appeal site abuts the back edge of the pavement beyond which is a narrow grass verge fronting onto Hinchley Way. Beyond the latter is a narrow pavement leading to a grass embankment that rises up to meet the Bypass. Whilst the embankment contains a number of mature trees, there is less tree coverage in front of the appeal site. As a consequence of this and the sites location opposite the roundabout on the Bypass, the host property is very visible from and is subject to the full impact of this road, which, as I observed on site, is an extremely busy dual carriageway.
6. The front boundary treatments to the properties on this part of Hinchley Way and its surrounds do vary. Some have dwarf walls with hedging behind, others have high hedging or are completely open other than for dwarf walls, and a number include gates. There are also examples of higher timber fencing and wall/slatted fencing, similar to that proposed, at the western end of this part of Hinchley Way. In some cases the boundary hedging is so extensive that there are no views into the frontages of those properties, other than through their existing driveways. Where there are open frontages, some of these are dominated by off street parking and this is particularly the case with the Childrens Nursery, a short distance to the west of the appeal site.
7. The appeal proposal involves the retention of the existing boundary wall and piers, provision of pier caps, hardwood slatted fencing above the brick wall and York electric sliding gates.
8. The Council contend that the proposed boundary treatment would result in a dominant and incongruous form of development which would harm the appearance of the locality and streetscene. I do not agree. Whilst I accept that the proposal would result in a change to the appearance of this part of Hinchley Way, 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 local context of the appeal site and this includes examples of high timber fencing and walls/fencing that have not, in my view, impacted harmfully on the overall character or appearance of the locality and streetscene. Consequently, the proposal would not, in my view, result in a dominant and incongruous form of development.
9. The proposed slatted fencing would allow views into the frontage of the appeal site and this would contrast with a number of properties on Hinchley Way where extensive hedging largely precludes any such views and appears in some cases to be overly dominant in terms of their width and height. The proposal would also contrast with those open frontages with dwarf walls, where the views are dominated by off-street parking, such as on the Childrens Nursery site. Furthermore, a number of these properties benefit from the added screening of the mature band of trees that runs parallel with the Bypass, whereas, as I mentioned earlier, in front of the appeal site, tree screening is less apparent and effective.

10. Moreover, the fact that the appeal site is at a lower level to the Bypass and more exposed to this busy road, is a consideration that adds further support to my findings in terms of the benefits that the proposed boundary treatment would secure. The latter include improving the privacy and security of the occupiers, and mitigating for the impact of noise generated by the Bypass. The design of the proposal would also be of a good quality with brick work to broadly match existing, cast stone fluted pier caps and York electric sliding gates.
11. In relation to the latter, I note that the Design & Character Supplementary Planning Document (April 2012) (Design SPD) refers to the use of a variety of boundary treatments in suburban locations. Section 5, under the heading 'Boundaries', includes Figure 5.23 which shows various boundary treatments including full height walls with gates, piers and copings, which it indicates would be acceptable in well-established suburban areas. In this particular case, the proposed wall, other than the piers, would not be full height and the proposed hardwood slatted fencing would add further to the overall quality and appearance of the new boundary treatment. I also note that section 3 of the Design SPD, which appraises the various character areas including Hinchley Wood, simply refers to the rich diversity of suburban residential roads as being one of the 'Key Features' of such areas.
12. Accordingly, I find that the appeal proposal would comply with policy CS8 and CS17 of the Elmbridge Core Strategy (July 2011) and policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015). 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. The proposal would also comply with the Design SPD and paragraphs 130 and 134 of the Framework.

Conditions

13. 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

14. 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