



Appeal Decision

Site visit made on 12 March 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal Ref: APP/R3650/W/23/3327212

8 Twycross Road, Godalming, Surrey, GU7 2HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Marshall against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01038.
 - The development proposed is described as "change of use of land to residential curtilage and erection of a means of enclosure."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans with the appeal. Briefly, and amongst other things, they comprise a step back of the fence and the use of different materials for the fencing. This is primarily in response to the Council's reasons for refusal.
3. Whilst the changes, on their face, are not extensive, they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. This part comments on the appeal also reference the original plans. I have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not therefore taken the amended plans into account in making my decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; and on highway safety.

Reasons

Character and Appearance

5. No's 4 – 8 Twycross Road form a small residential cul-de-sac off Twycross Road, which is predominantly characterised by similarly designed detached dwellings. Dwellings either front on to the highway or have side gardens

¹ Procedural Guide: Planning appeals – England (2024)

fronting the highway. Dwellings are set back from the road behind gardens and drives, which combined with the mature trees and hedgerows which bound many of the properties, give the area a spacious verdant character. Where there are occasionally boundary treatments other than landscaping, these in the immediate vicinity of the site are brick walls and timber fencing.

6. The appeal site is an area of land between the highway and No 8 Twycross Road. No 8 is located on a small cul-de-sac facing at an angle to Twycross Road. Due to the orientation of the dwelling, its side garden area lies adjacent to the area of land subject to the appeal. During my site visit I noted that the site was bound by a brick wall where it meets the boundary of No 8 and was laid to grass with shrubs and trees. The setback of the fence combined with the grass verge and landscaping of the appeal site contributes positively to the spacious verdant character of the area.
7. The proposed development would remove the brick wall and clear the trees and shrubs. The garden area of No 8 would be extended into the appeal site, and a 1.8 metre fence would be constructed. The fence would be located approximately 0.5 metres from the pavement and would be finished in a plastic composite and timber. Given the height, length and projection forward of the fence, combined with the removal of the landscaping, would form a large, obtrusive and incongruous feature which would be at odds with the prevailing spacious verdant character of the area. The use of composite plastic would introduce an alien material to the area, heightening its incongruity.
8. Whilst the appellant has suggested that a condition could be imposed regarding an alternative material, this would not overcome the harm to the character and appearance of the area in relation to the encroachment of the fence into a landscaped area that contributes positively to the character and appearance of the area.
9. The appellant has highlighted examples of similar fences in the area these are within surrounding streets some distance away. Additionally, these do not use the plastic composite proposed in this appeal. In any event, I do not consider that the existence of fences in other areas justifies the harm identified.
10. I have had my attention drawn to two nearby decisions relating to an extension of residential curtilage and construction of a fence. Whilst I do not have full details of these cases, from the evidence before me large areas of verge were retained between the fences and the highway. As such the specific matters of these cases are not directly comparable to the appeal before me.
11. Accordingly, I conclude that the development harms the character and appearance of the area and conflicts with Policy TD1 of the Waverley Borough Local Plan Part 1 (2018) (LP1), Policies DM1 and DM4 of the Waverley Borough Local Plan Part 2 (2023) (LP2) and the Godalming and Farncombe Neighbourhood Plan (2019) (NP). Together these seek, amongst other things, to ensure that developments respond effectively to its surroundings, reinforcing local distinctiveness and landscape and historic townscape character. The appeal scheme would also not comply with paragraph 135 of the Framework that seeks good design sympathetic to local character.

Highway Safety

12. At the time of my site visit a number of cars passed the site from both directions along Twycross Road. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest i.e., in the mornings and evenings when most people commute.
13. The proposed development would involve the construction of a 1.8 metre fence within 0.5 metres of the pavement at No 8. The proposed fence would be located close to the access in to No 10 Twycross Road. I have had regard to the Councils Highways Officer who has commented that a sight line of 2.4 m (x) by 43 m (y) would be required to ensure a safe access from No 10. This cannot be achieved with the introduction of the fence.
14. The visibility splays of No 10 would be considerably reduced compared to the existing situation. Whilst the existing access at No 10 could be substandard in terms of visibility when the appeal site becomes overgrown, this could be cut back to ensure good visibility, unlike a fence which would be a permanent feature. During my site visit I observed that due to a curve in the road No 10 already experiences some limited visibility. Any further reduction to this, as proposed, would result in significant restricted visibility of approaching vehicles. This would be significantly harmful to highway safety.
15. The appellant has identified a large shrub that was historically located close to the access of No 10. During my site visit I noted it had been removed, and from reviewing interested party comments, this was removed a number of years ago in order to improve visibility. Whilst this was historically an impact on the visibility splay it has since been removed and I do not consider that this is adequate justification to further limit the visibility of the access to No 10.
16. For the above reasons the proposal would be detrimental to highway safety. The proposal would therefore conflict with LP1 Policy ST1 and the Surrey Local Transport Plan (2022) which seek to ensure that developments improve transport infrastructure. The proposal also conflicts with paragraph 115 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Conclusion

17. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR