



Appeal Decision

Site visit made on 23 April 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/E5330/W/23/3328802

65 Nickelby Close, Greenwich, Thamesmead SE28 8LY

- 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 Ms Prudence Z Diedericks against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/2181/F.
 - The development proposed is for the retention of a side metal fence and a gate.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the development was substantially complete and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area and host building, and
 - pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal building is a two-storey dwelling in a predominantly residential area with many of the houses being of similar style and appearance. The houses tend to have small open front gardens or driveways which combined with a general lack of boundary treatment on the front elevations, results in an open character and appearance.
5. The development has enclosed the front garden and driveway of the appeal site with metal fencing as well as a sliding gate for car and pedestrian access. The fencing is over 1.5m high, has been painted black and other than a section of metal spikes at the top of the fence, the majority is solid and therefore does not allow any views in or out.
6. Due to the lack of front boundary treatment in the area, other than some low wooden fencing, the open character and appearance allows views to the front of the dwellings. The development, due to its height, black colour and mostly solid form results in a harsh addition that blocks views of the host dwelling and erodes the open character and appearance of the area.

7. The fencing is metal which is not a common material that is used within the local area, furthermore the black finish is also at odds with the prevailing finishes within the area. Therefore, the material and finish further make the development stand out as an unsympathetic feature within the street scene.
8. I therefore conclude that the development harms the character and appearance of the area and host dwelling. It is contrary to Policy D3 of the London Plan 2021, Policy DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies Adopted 30 July 2014 (CS) and guidance contained within the Royal Borough of Greenwich Supplementary Planning Document Residential Extensions, Basements and Conservations Guidance December 2018. Amongst other things, these seek to ensure that development responds to the existing character of a place and positively contributes to the improvement of both the built and natural environment.

Pedestrian and highway safety

9. The development results in an obstruction to drivers when leaving the appeal site, and due to the majority of the fencing being solid, it could block views of pedestrians and cyclists using the footway and road when leaving the driveway. This could mean that cars would need to edge out onto the pavement in order to see which could harm pedestrian safety for users of the footway as well as other road users.
10. Pedestrians and cyclists would also have their views obstructed when travelling past the appeal site making it more difficult to see any cars that might be leaving. It is likely that the footway would be well used based on the residential context of the area and as such, could be harmful to their safety.
11. I therefore conclude that the proposed development unacceptably harms pedestrian and highway safety. It is contrary to Policies T2 and T4 of the London Plan and Policy IM(b) of the CS which amongst other things, seek to ensure that development proposals should not increase road danger.

Other Matters

12. I note that the development has replaced an existing fence of similar height, scale and siting. However, from the details provided the previous fence was wooden and did not enclose the driveway which differs from the appeal before me. Nonetheless, and taking account of the photographs provided, I find that the solid form and height of the previous fence was also at odds with the prevailing character of the frontages of properties. Therefore, additional harm cannot be justified on the basis that some harm previously existed and as such, this does not outweigh the harm I have identified.
13. I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability. I am satisfied that the current occupier of the appeal property has a protected characteristic for the purposes of applying the PSED.
14. I have given careful consideration to the appellant's personal circumstances in this case. While I recognise the importance of needing to comply with

safeguarding regulations, it has not been shown that these regulations cannot be complied with in another way. On this basis, insufficient evidence has been provided to demonstrate that an alternative could not comply with these regulations, these personal circumstances therefore do not outweigh the harm that I have found to the character and appearance of the area and host dwelling and pedestrian and highway safety.

Conclusion

15. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR