
Appeal Decision

Site visit made on 25 April 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/P5870/D/24/3336310

26 All Saints Road, Sutton SM1 3DH

- 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 Ms Jane Davies against the decision of the Council of the London Borough of Sutton.
 - The application ref. DM2023/00882, dated 30 May 2023, was refused by notice dated 19 October 2023.
 - The proposal is for the retention of a 1.8m high timber fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issues

3. The main issues are the effect of the development having regard to
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site relates to a detached, two-storey house on All Saints Road with off-street parking to the front. The immediate vicinity is predominantly residential in nature, and comprises a variety of detached, semi-detached and terraced buildings.
5. In general, front boundary treatments along All Saints Road are low level in nature, allowing for views over the driveways and gardens of dwellings, and comprise brick walls, fencing, and railings. Where taller hedgerows exist they are well-maintained and contribute positively to the street scape. There are other tall solid boundary treatments in the vicinity, for example fences near the junction with Elgin Road and Grennell Road, however these serve to enclose the side garden areas of their respective properties; they are the exception within the neighbourhood rather than the rule.

6. The new boundary fence is particularly prominent within the context of the vicinity, being visible from a considerable distance when approaching along the highway from either direction. The scheme is of a solid appearance and spans a significant proportion of the site frontage.
7. Abutting the public footpath of All Saints Road, there is no space for planting to the fore to soften or screen the development. In my view, the fence introduces a harsh and urbanising feature to the street scene, and appears incongruous within the context of the area. I do not consider that the discordant nature of the proposal could be softened through painting or staining.
8. I have read the material concerning subsidence and the impact upon the appeal property. Whilst I appreciate the problems that have arisen, I note the arboricultural report concludes that, "replacement planting may be considered subject to species choice and planting location." I have not been provided with any evidence to suggest that replacement planting has been considered.
9. I also sympathise with the appellant's personal circumstances, to which I afford significant weight. Nevertheless I consider that the refusal of planning permission would be justified and proportionate approach in this case. This is because the detrimental impact of the development and the policy conflict are weightier matters even when having regard to the material considerations in favour of the appeal, including the best interests of the appellant and her family.
10. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policy 28 of the Sutton Local Plan 2018 (LP), which seeks to secure new development of acceptable scale and appearance.

Highway safety

11. Vehicular manoeuvres across the public footways into and out of residential accesses are a common feature in the vicinity, although these are approached with caution. The Council states that appropriate vehicle and pedestrian visibility splays would not be achieved at the site's entrance. I acknowledge that a vehicle emerging from the driveway, with the driver having restricted views of footpath users, is an obvious safety hazard.
12. However, that prospect would be little different to the current accesses to myriad properties in the surrounds. Given the substantial width of the entrance, the infrequency and short duration of manoeuvres, the low speeds involved and the relatively wide footway to the front, I consider that the safety of pedestrians would not be unduly compromised in this particular instance.
13. Furthermore, there is no evidence that any incidents involving vehicles and pedestrians have been recently reported in the locality. I am also satisfied that there would be adequate space on the driveway to allow for entry and exit in a forward gear, and there would be no reduction in space for parking.
14. On this basis I am drawn to conclude that the scheme would not result in adverse impacts upon highway safety and would meet Policy 37 of the LP in this respect.

Conclusion

15. Having regard to the above and all other matters advanced, the appeal is dismissed.

C Hall

INSPECTOR