



Appeal Decision

Site visit made on 13 May 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal Ref: APP/K3605/D/23/3335872

58 Speer Road, Thames Ditton, Surrey, KT7 0PW

- 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 Jeremy Davis against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/1820.
 - The development is described as '*Replacement of front wall boundary with similar main wall height of 98cm (meets permitted development guidelines) and pillar height of 2m. Existing wall was collapsing and causing a public hazard and hence the replacement was urgently required. In fact, they caused a danger to local children who walk past daily to school and the pillars are in place to strengthen the wall. It should be noted that the previous wall had a pillar height of 1.8m; a difference of 20cm. New wall pillar height is similar to those examples provided across Speer Road and adjacent Embercourt Road in Thames Ditton. A sample set of photos have been uploaded but there are many more examples within a mile of 58 Speer Road. Material is brick as per the previous wall.*'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the development was completed on the 18th April 2023. During my visit, I noted that the boundary wall was complete and that it accords with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The frontages along Speer Road are characterised by low brick walls and planting. This creates an open interface between the public and private realm which positively contributes to the verdant suburban character of the street scene.
5. The replacement wall is taller than its predecessor. It has six piers in quick succession, these are significantly taller than others along Speer Road. Consequently, they appear stark and imposing amongst the characteristic planting and low boundary treatments along the road.

6. The appellant refers to other properties in Speer Road that have pillars and walls that are over one metre in height. Where there are brick walls, these maintain a typical domestic height, and brick piers are mainly used sparingly either side of a vehicular entrance. In contrast, the appeal site has multiple tall piers punctuating the boundary wall, which appear incongruous in this setting.
7. The appellant states that the previous wall was considered a public hazard. Whilst this may have been the case, this does not justify the design of the development sought. Whilst the brickwork will likely weather and planting could soften the appearance of the wall, this is unlikely to negate the inherent harm arising from the height of the pillars.
8. Reference is made to the main body of the wall being less than one metre in height and thereby qualifying for permitted development. Consideration of the lawfulness of the development is not part of my consideration in this appeal, and it is the pillars that are harmful in this case in any event.
9. An example of a similar scheme in Walton on Thames is cited, but it does not refer to development on this road nor have the details of the case been fully provided. In any event, each scheme must be considered and determined on its individual merits.
10. For the reasons identified above, I conclude that the development has had an unacceptable effect on the character and appearance of the area. The development is therefore contrary to Policies CS8 and CS17 of the Core Strategy 2011, Policy DM2 of the Development Management Plan 2015 and the Character SPD 2012 insofar as they seek for development to preserve or enhance the street scene.

Other Matters

11. I recognise that the wall would not harm the living conditions of adjacent neighbours. However, the absence of harm is a neutral factor in the balance.

Conclusion

12. The proposal would conflict with the development plan when read as a whole and the other considerations before me, do not indicate that I should make a decision other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR