



Appeal Decision

Site visit made on 24 May 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/K3605/D/24/3337373

11 Hayward Road, Thames Ditton KT7 0BF

- 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 Mrs Danielle Williams against the decision of Elmbridge Borough Council.
 - The application Ref: 2023/2056.
 - The development proposed is a new garden wall following demolition of existing wall.
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Decision

1. The appeal is allowed and planning permission is granted for a new garden wall following demolition of existing wall at 11 Hayward Road, Thames Ditton KT7 0BF in accordance with the terms of the application, Ref: 2023/2056, dated 20 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans (i) Site Plan, (ii) Block Plan, (iii) Proposed Ground Floor and Landscape Plan Drawing No. 0109-A-P-1000 Revision P2, (iv) Proposed Elevations Drawing No. 0109-A-P-1100 Revision P2.
 - 3) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the borough council and these works shall be carried out as approved. This scheme shall include indications of all hard surfaces, walls, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development.

Procedural Matters

2. I have taken the description of development from the Council's decision notice as this more accurately reflects the development than what was included on the planning application form.
3. The appellant has submitted an amended proposed ground floor and landscape plan Drawing No. 0109-A-P-1000 Revision P3 that includes reference to the proposed planting comprising a 1.8m Yew hedge. I have considered the proposed new plans against the Wheatcroft principles, where it was held in *Bernard Wheatcroft Ltd V SSE* [1982] JPL 37 that amended plans can be accepted on appeal and approved through a grant of conditional permission.

The key test for application of the Wheatcroft principles is whether the development is so changed that to grant it would be to deprive those who should have been consulted in the changed development of the opportunity of such consultation. In this regard, as the amended plan simply provides some further detail to planting proposals that were consulted upon at the application stage, I am content that no one would be prejudiced by it being considered in this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a large, detached dwelling on a corner plot within a modern residential estate development. Boundary treatments are largely low in height on frontages within the estate, although there are greater heights evident on some properties' side boundaries. Boundary treatments are interspersed with hedges and other vegetation that together provide a generally open and spacious appearance that contributes positively to the character of the area.
6. The appeal proposal comprises the demolition of the existing side boundary wall and erection of a new side boundary wall to incorporate land into the property's garden. The wall would be of a similar height to the one it would replace and constructed of brick to match the existing dwelling.
7. The Council are concerned that the appeal proposal would be highly visible and form a dominant feature on this prominent corner location that would harm the character of the area. However, the existing side boundary wall that would be replaced is of a comparable height to the appeal proposal. Whilst it is set back, the existing wall, therefore, already has a degree of prominence within the street scene. Moreover, as the appellant has highlighted, and as observed on my site inspection, there are a number of comparable brick boundary walls on the estate that form part of the established character of the area. These include examples near to the appeal site as well as others elsewhere, including on corner plots and those that do not balance on either side of the road.
8. When the existing wall's size and appearance is considered together with similar boundary treatment nearby, I am not persuaded that the appeal proposal would result in such a material change to the character and appearance of the area in terms of its height and location sufficient to justify refusing planning permission.
9. Furthermore, I understand that the existing wall was previously screened by planting that has been removed at some point in the past. I don't have the full details of the planting that was at the site previously and can only consider the proposal that is in front of me. In this case, rather than removing planting, the proposal would add new landscaping as part of the development. The proposed planting would serve to screen the height and appearance of the wall and further enable it to assimilate successfully within the established character and appearance of the area. It would also provide back of pavement planting that is consistent with a positive character feature of the wider area, as well as

maintain the existing green verge that would be consistent with the depth of the footpath on the other side of the road.

10. The proposed planting in front of the wall would in my opinion result in an enhancement from the existing situation where the existing wall is exposed and not screened at the present time. I, therefore, attach significant weight to the benefits that would arise from the proposed planting. Accordingly, this would need to be secured by condition, which I discuss later in this decision.
11. To conclude, subject to a condition to secure the proposed planting, the proposal would not result in harm to the character of the street scene or wider area. I therefore find that the proposal would accord with Policies DM2 and DM6 of the Elmbridge Local Plan Development Management Plan (2015), which requires all new developments to achieve high quality design that preserves or enhances the character of the area, and include an integral scheme of landscaping to reflect, conserve to integrate development in its surroundings.
12. The proposal would also be consistent with the advice contained in the Elmbridge Local Plan Design and Character Supplementary Planning Document (2012) and Companion Guide: Thames Ditton, Long Ditton, Hinchley Wood and Weston Green, and the National Planning Policy Framework that emphasises the importance of development being sympathetic to local character and effective use of landscaping.

Conditions

13. It is necessary to include the standard time limit condition and a condition that specifies approved plans in order for clarity and precision. It is also necessary to include a landscaping condition requiring details to be approved by the Council prior to commencement. I have used the wording provided by the Council as this would cover both the planting, but also the hard landscaping details for the brick wall and timber fence in terms of height and materials.
14. I note in this regard that the proposed amended landscaping plan includes specific reference to a 1.8m high Yew bush. Whilst I agree that the planting should be around this height and a Yew bush may well be suitable, the precise details should be agreed with the Council who will be best placed to agree the most appropriate species for this location. Accordingly, I have included the originally submitted landscape plan in the approved plans list as it does not specify a particular species to be used for the planting. This will enable the Council to consider the landscaping details afresh when an application is made to discharge the attached landscaping condition.

Conclusion

15. For the reasons given above, the development subject to conditions is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be allowed.

N Perrins

INSPECTOR