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## Appeal Decision

Site visit made on 21 November 2024

**by A Hunter LLB (Hons) PG Dip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 DECEMBER 2024**

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**Appeal Ref: APP/G5180/D/24/3340171**

**1, Ebury Close, Keston, Bromley BR2 6EL**

- 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 Ali Bilal against the decision of the Council of the London Borough of Bromley.
  - The application Ref is DC/23/04900/FULL6.
  - The development proposed is described as "the reduction of the fence along the boundary at Croydon Rd."
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has stated on the application form that development has commenced already, and the description of development indicates that the proposal is a reduction to the height of an existing fence. I have not been made aware of a planning permission previously being granted for a fence in the positions shown on the plans. Furthermore, on my site inspection, I saw that there was no fence at the appeal site as indicated on the existing plans. I have therefore determined the appeal on the basis of the boundary fence shown on the proposed plans being a proposed development.

### Main Issues

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

### Reasons

#### *Character and appearance*

4. The appeal property is located at the entrance to Ebury Close (a cul-de-sac), its front elevation faces onto Ebury Close and one of its side boundaries runs alongside Croydon Road (A232). The appeal property already has a tall brick wall that is positioned quite far back from both its front and side boundaries, behind its front elevation. On both sides of the entrance to Ebury Close are grassed areas partly behind very low chain-link boundary features, that are located between the pavement and the taller boundary treatments nearest to the respective properties. This open grassed space positively contributes towards the open and landscaped setting for the cul-de-sac of properties. I

also saw on my inspection that the front boundaries of other properties along Ebury Close are mostly open, which further reinforces the mainly spacious and open character of this immediate area.

5. There is no objection to the design of the close boarded timber fence itself, and there are fences with a similar design elsewhere in the immediate area. However, the proposed fence would be sited significantly forward of the host property's front elevation, and as a result, it would be a very prominent and jarring feature when entering and leaving Ebury Close, particularly in view of its 1.8 metre height. The proposed fence would also be located very close to the pavement edge alongside Croydon Road. Notwithstanding that its height would be lower than that previously proposed (said to be by 0.2 metres), its siting, combined with its significant length, would introduce a feature that was wholly discordant and enclosing, inconsistent with the open and spacious character at the entrance to Ebury Close on both the front and side of the appeal property. As a result, the proposed development would harm the character and appearance of the area.
6. The other properties nearby that have a close boarded fence on their boundaries to Croydon Road, are generally much different, as some have a grassed verge between them and the pavement; they have established planting behind the fences; or they have a generous setback from the road. Moreover, the appeal proposal already has a brick wall along its side and part of its front boundary, which makes it distinct from properties with similar fences.
7. On my site inspection no kennels were located directly behind the location of the proposed fence (between where it would be located and the brick wall), so I was not certain that the fence would be required for screening purposes or to ensure that any dogs the appellant has, cannot escape.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the area, and conflict with Policy 37 of the London Borough of Bromley's Local Plan, dated January 2019 (BLP) that amongst other things requires new development to be of a high standard of design and layout and positively contribute to the streetscene and the layout of development.

#### *Highway safety*

9. There is a 'T' junction between Ebury Close and Croydon Road, which is said to be part of the Transport for London Road Network (TLRN), with traffic leaving Ebury Close required to give way. As the proposed fence would be much closer to Croydon Road than the current brick wall, and owing to the alignment of the appeal property's side boundary in relation to Croydon Road, the available sight line for drivers exiting Ebury Close when looking in the direction towards Croydon Road's junction with the A233, could be reduced.
10. No visibility splay plan has been provided to demonstrate the available sight line for drivers exiting Ebury Close. However, the Council has also not set out what sightline distance is required. Therefore, based on the information before me, it is unclear whether any reductions to the available sight line would be within the required visibility splay or not. Consequently, I do not have sufficient information to properly assess the highway safety aspects of the proposals.

11. I therefore conclude there is insufficient information provided to demonstrate the proposal would not be harmful to highway safety. As such the proposal would conflict with BLP Policy 32 that requires road safety is not significantly adversely affected by new development.
12. The Council referred to the proposal being contrary to the requirements of Policy T2 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021. That policy is mainly focused on providing healthy streets, through reducing car dependency and promoting sustainable travel, consequently I did not find it to be directly determinative on this main issue.

### **Other Matters**

13. I have had regard to objections received from residents and others, raising issues in addition to the above main issues that include, but not limited to the following: accuracy of plans; ownership of the land; and that dogs are kept at the appeal site. However, I am content that the submitted plans contain sufficient information to assess the proposed development, and there is no substantive evidence provided to dispute the appellants land ownership certificate. Whether dogs are kept at the property or not, any associated kennel structures were not readily discernible above the existing brick boundary walls during my site observation.

### **Conclusion**

14. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, including the Framework that would outweigh the conflict. Therefore, for the reasons given above the appeal should be dismissed.

*A Hunter*

INSPECTOR