



Appeal Decision

Site visit made on 4 February 2025 by R Pankhurst

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/L3625/D/24/3351731

Brindavan, 136 Fir Tree Road, Banstead, Surrey, SM7 1NH

- 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 A Duddella against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00869/HHOLD.
 - The development is described as 'Retrospective Application Existing gate & compound wall drawings'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I observed that the development had already been carried out and appears to accord with the submitted plan, hence, I have dealt with the appeal on this basis.
4. The description above is taken from the application form, however I have removed wording that does not form part of the appeal development.

Main Issue

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

Reasons for the Recommendation

6. The properties along Fir Tree Road are generally substantial, detached and set back from the road behind driveways. The appeal site is consistent with this character and includes a detached property of modern appearance with a rendered finish and grey tiled roof. For the most part, the highway frontages of existing properties along this road are marked by high hedgerows, low brick walls or a combination of the two and some gates. These features, coupled with gaps between buildings and the grass verges on each side of the highway, give Fir Tree Road a spacious and verdant character.
7. From the highway, the solid form, colour and material of the appeal wall and gates draw the eye and appear as a rather stark barrier which is prominent in the

streetscene. The gates are completely solid and do not allow for any views through into the site when closed. The grey composite style panelling in between piers significantly limits any views through and the decorative lattice element is limited, so does not appreciably lessen the walls predominately solid form. This is in distinct contrast to the more traditional style low brick walls and hedgerows which are characteristic of the local area. Whilst a similar height to others in the area, the wall and gates appear incongruous in relation to the softer forms of boundary treatment in the vicinity, even with their variety. For these reasons the form, colour and materials of the wall and gates have a harmful effect on the character and appearance of the local area.

8. The appellant's submission proposes to include laurel bushes in front of the wall in a strip of grass. However, on my site visit I noticed there were shrubs already in place in front of the wall. These were deciduous and somewhat sparse, not in keeping with the generally evergreen hedgerows in the local area and limiting their ability to soften and screen the structure.
9. The planting of evergreen laurel bushes could potentially have a greater screening effect, depending on their number, density and maintenance. However, the proposed planting, whatever form it might take, is outside of the red line which defines the appeal site. It has not been demonstrated that the appellant owns or controls this land, and therefore that it would be within their power to retain and maintain any planting along this strip. Consequently, I cannot recommend that planting be secured or retained by planning conditions. Therefore, the appellant has not demonstrated that long term screening can be provided to mitigate against the harm identified and the proposed planting carries very limited weight in this appeal.
10. The appellant refers to being able to build a 2 metre high wall and gate under permitted development as it is not 'adjacent to a highway'. There is no definition of 'adjacent' within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) and there is considerable case law on this matter. In any event, it is not my role in this appeal to determine whether a development is permitted development or not. Nor do I have substantive evidence of the extent of the highway and its proximity to the wall and gates. Therefore, I give this matter very limited weight, and it does not justify the harm identified above.
11. My attention has also been drawn to gates and boundary fencing at other properties. I acknowledge that there is variety in the street scene but most of the other examples, even if higher than the appeal wall, are less prominent in the street scene due to their materiality, creating more traditional and softer forms of boundary treatment. In other instances, the examples exemplify a harmful visual impact which it is undesirable to replicate. Consequently, these cases do not lend support to the appeal.
12. Whilst I understand the appellant's concerns regarding security and safety, it has not been demonstrated that equivalent benefits could not be achieved with a less harmful design, particularly as the appellant has identified that there may be a permitted development alternative. Therefore, this matter does not outweigh the harm I have identified.
13. Therefore, the wall and gates harm the character and appearance of the local area and this harm cannot be addressed by conditions. As such, they are contrary to

Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (adopted 2019) which requires development to respect the character of the surrounding area.

Conclusion and Recommendation

14. For the reasons given above, the wall and gates conflict with the development plan. Having regard to the issues raised, including the security and safety benefits of the wall, I find that there are no material considerations which are sufficient to justify granting permission contrary to the development plan. Therefore, I recommend that the appeal should be dismissed.

R Pankhurst

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR