



Appeal Decision

Site visit made on 10 February 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/P5870/D/24/3356022

49 Sherborne Crescent, Sutton, Carshalton SM5 1JU

- 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 Georgi Dimitrov Kostov against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/00721.
 - The development proposed is described as: New close boarded fence and covered outdoor seating area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the National Planning Policy Framework December 2024 was revised. There are no substantive changes relevant to the main issue in the appeal before me.
3. I have taken the description in the heading above from the application form, removing the reference to retention, as this does not constitute an act of development.
4. At the time of my site visit, fencing and a covered outdoor area had already been constructed. However, my decision is based on the drawings provided.

Main Issue

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

Reasons

6. The appeal site forms a semi-detached dwelling on a large corner plot within the St. Helier Estate Area of Special Local Character (ASLC). The Sutton Local Plan 2016-2031 (2018) (the Local Plan) describes the character of the ASLC as having a spacious quality due to extensive areas of open spaces with the smaller open spaces within the estate giving the ASLC its special character.
7. The appeal site forms one of a number of dwellings arranged around a central area of open green space. The primarily low boundary treatments contribute to the sense of spaciousness, benefiting the character and appearance of the area. The few examples of taller boundary fences within the area appear prominent within the street scene and reduce openness. Further, I do not know the circumstances

under which they were constructed or their status with regard to planning permission. Whilst there are some taller hedges bounding the properties, these are visually softer than fencing and less intrusive.

8. The fence and covered area would protrude significantly above the surrounding boundary treatments giving them a prominent appearance within the street scene. The substantial nature of the appeal development would emphasise its discordance with the prevailing diminutive character of neighbouring boundary treatments, appearing contextually alien and unsympathetic. The solid fencing would appear imposing and visually harsh when viewed from the public realm, disrupting and diminishing the spaciousness of the street scene and harming the character and appearance of the area including this part of the ASLC.
9. I acknowledge that there may be no specific policies that restrict the height of boundary treatments. Nevertheless, this does not negate the proposal's conflict with the relevant provisions of Policies 28 and 30 of the Local Plan. When read together, these require new development to respect local context, respond to local character, make a positive contribution to the street frontage, street scene and/or public realm, and conserve and, where practicable, enhance those elements which contribute to the ASLC.
10. For these reasons, therefore, the development would be harmful to the character and appearance of the area, and the ASLC. Consequently, in this regard, it would conflict with the relevant provisions of Policies 28 and 30 of the Local Plan.

Other Matters

11. The appeal proposal may not cause harm to surrounding residents with regards to noise and disturbance, outlook, privacy, daylight or sunlight. Nor would it harm trees or have an unacceptable impact on highway safety. Nevertheless, these are neutral points and not benefits of the scheme and so they do not alter my overall conclusion.

Conclusion

12. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR