



Appeal Decision

Site visit made on 28 February 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/D5120/D/24/3357290

12 Austen Road, Bexley, Erith DA8 1YA

- 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 L Kymantas against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02220/FUL.
 - The development proposed is the erection of fence to front boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the decision notice and the appeal form, as it is a more concise and accurate description than that set out in the application form. However, I have removed reference to '*Retrospective application for*' in the description because it is not a form of development. The application form confirmed that the development has been completed and I was able to see this during my site visit. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the fence on:
 - the character and appearance of the host dwelling and surrounding area; and
 - the effect on highway safety.

Reasons

Character and appearance

4. No 12 Austen Road (No 12) is a two-storey dwelling, with a driveway which extends the full width of the frontage. A fence of over 1.3m has been constructed along the boundary of this driveway with the neighbour at No 10 Austen Road (No 10) and returning along part of the frontage of No 12 at the back edge of the pavement.
5. Austen Road is a long residential road comprising a series of cul-de-sacs characterised by two-storey dwellings which are cohesive in form and layout, with typically open frontages and driveways. Where there are boundary treatments to

the frontages of dwellings, they are modest, predominantly formed of low, open timber fences or brick walls and hedging (or a combination of both). Rather than being extraneous, or incidental, the boundary treatments make a significant and positive contribution to the attractive, cohesive and open character and appearance of the area.

6. Although of a simple, contemporary design, the fence is solid, constructed of horizontal composite panels. Because it runs the length of the boundary between No 10 and No 12, it is at right angles to Austen Road, and therefore very prominent travelling in either direction. This siting, in combination with the height and design, means the fence appears an incongruous and unduly dominant feature, which is at odds with the prevailing boundary treatments. Further, the solid form of the fence, particularly as it returns along the back edge of the pavement, partially encloses the frontage of No 12 to the detriment of the open character and appearance of the area.
7. I therefore conclude on the first main issue that the fence causes significant harm to the character and appearance of the host dwelling, and the surrounding area. It conflicts with policies SP5 and DP11 of the Bexley Local Plan (2023) (LP). Together these require high quality standards of design, including scale and materials, which is complimentary to and respects existing character, whilst recognising that development need not be constrained by what already exists. Policy D1 of The London Plan (2021) relates principally to defining character in order to plan for growth and I do not therefore find it relevant to the development before me given its nature and scale.

Highway safety

8. No 12 is located on the western side of Austen Road close to an almost 90-degree bend in the road, and to the south of the junction with Cookson Grove. The fence has been constructed along the shared boundary with No 10 along the length of its driveway.
9. The siting of the fence, in combination with its height and solid construction, means that a vehicle manoeuvring from the driveway of No 10 has very restricted visibility to the south. In particular, if reversing from the driveway, a vehicle would need to edge into the road before oncoming vehicles approaching from the south, or indeed pedestrians, including children, could be seen. No 12's driveway is wider than its neighbour which allows a vehicle to park a distance from the fence, or slightly angled, and this means that adequate visibility of other vehicles and pedestrians can be achieved in both directions along Austen Road. The appellant has drawn my attention to 1 Austen Road opposite, but I note that this dwelling has a similarly wide driveway which ensures reasonable visibility despite the high rear boundary wall on one side.
10. I observed on my site visit that vehicles typically move at low speed and with caution, particularly on the approach to No 12 around the bend in Austen Road and I note an absence of any accident records in the locality. There is also a raised section of block paving on this bend which appeared to slow vehicles down. However, because the fence significantly reduces visibility from the driveway of No 10, it nevertheless results in conflict between vehicles re-entering the road (particularly if reversing) and other road users, including pedestrians.

11. I therefore conclude on the second main issue that the fence causes unacceptable harm to highway safety. Consequently, it conflicts with LP Policy DP24 which requires that proposals should not have a significant effect on the safety of any users, including vulnerable users such as pedestrians and cyclists. This is consistent with policy in the National Planning Policy Framework that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The appeal proposal further conflicts with LP Policy SP10 in so far as it seeks to achieve a safe transport system.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

R Gravett

INSPECTOR