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## Appeal Decision

Site visit made on 30 April 2025

**by Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 14 May 2025**

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**Appeal Ref: APP/P5870/D/25/3360492**

**23 The Avenue, Cheam, Sutton, SM2 7QA**

- 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 Mathew Butler against the decision of the Council to the London Borough of Sutton.
  - The application Ref is DM2024/00744.
  - The development proposed is described as erection of boundary walls with railings and access gates with pillars.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Beyond the proposed wall and railings to the side of the dwelling is a tall vertical boarded fence, with additional horizontal boarding placed above it. For the avoidance of doubt, I confirm that this fence does not appear to form part of the appeal proposal. The appeal has been determined on this basis.
3. The design of the proposed entrance gates as shown on drawing 03, differs from that shown on the untitled coloured artistic drawing. For the avoidance of doubt, I confirm that this decision is based upon the design shown on Drawing No.03.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding Burton Estates Area of Special Local Character (BEASLC).

### Reasons

5. The appeal site is located within the BEASLC, which is an area of inter-war suburbia recognised both for its historic importance and the architectural qualities of the buildings.
6. The Avenue is primarily characterised by detached inter-war family houses with rendered and brick built walls under hipped tiled roofs. The dwellings have good sized front gardens, that are typically separated from the pavement by a combination of mature hedges, low walls with hedges and other planting behind them and occasionally low fences and/or low railings with lawns, trees and or hedges behind them.

7. These boundary treatments, together with the mature trees and other planting contribute to the visually soft, verdant and informal suburban character and appearance of The Avenue and the surrounding area. Where the roads include grass verges with trees planted within them the street scenes are particularly informal and verdant. This includes The Avenue, although the tall fences and walls along parts of Wray Road and elsewhere have had an urbanising impact on the street scene.
8. The appeal site occupies a prominent position adjacent to the junction of The Avenue, Wray Road and Shirley Avenue. As stated by the appellant the former mature hedge along the front and part of the side boundary has been replaced by a low brick wall with tall gate piers which form part of the appeal proposal. The proposed metal railings, which would have solid horizontal detailing above them, would sit on top of the wall and would vary slightly in height. The top of the corner railing post at the junction between the front and side boundaries of the property would be 2.17 metres above pavement level. The taller of the two gate posts would be 2.03 metres above pavement level.
9. Amongst other things policy 28 of the Sutton Local Plan 2016-2031 (LP), seeks to ensure that new development respects the local context and responds to local character and heritage assets. It should be of a suitable scale, massing and height to the setting of the site/townscape and makes a positive contribution to the street frontage, street scene and public realm. Where appropriate new development should make provision for and include well-designed soft and hard landscaping. Regarding Areas of Special Local Character LP Policy 30 states that development is expected to conserve and where possible enhance those elements which contribute to the areas particular character and appearance. As stated in paragraphs 131 and 135 of the National Planning Policy Framework 2024 (the Framework), good design is a key aspect of sustainable development. Development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
10. Sutton's Urban Design Guide – Creating Locally Distinctive Places, Supplementary Planning Document (SPD14), advises on the importance of the public realm and features within it such as hedges, trees, etc. More broadly, new development should incorporate basic elements of good urban design and complement good quality elements of the existing urban fabric and respond to contextual features.
11. Sutton's Supplementary Planning Document – Design of Residential Extensions (SPD4) refers to the contribution boundary walls and fences can have on the street scene. However, it does not deal with applications for boundary treatments and so is not directly relevant to the proposal.
12. Whilst the proposed boundary wall is modest in height and form, due to their height, horizontal top detailing and length along both boundaries the proposed railing fence and gates would have a hard, formalising and enclosing impact on the appeal site and the street scene. The impact would be exacerbated by the prominent position of the appeal site and the tall solid fencing immediately to the northeast. Although the proposed hedging and two trees proposed within the front garden would soften the appearance of the proposed boundary treatment, due to their height, design and the length of boundary concerned the proposed railing fence and associated gates would remain dominant and

uncharacteristically hard. They would materially detract from the soft and informal verdant character and appearance of The Avenue and the BEASLC. In reaching this conclusion I note that not all the roads in the BEASLC have the same soft verdant and informal qualities as The Avenue.

13. As pointed out by the appellant there are some properties in the surrounding area which have low walls and railings around their boundaries. These have blended into the street scene with varied degrees of success. The lower railings without horizontal top detailing and with mature hedging behind them have been generally readily assimilated into the street scene. Conversely some of the taller railings with little or no planting behind them and tall metal gates sited adjacent to the back edge of the pavement have had an uncharacteristic urbanising impact on the street scene. Much depends on their height, design, soft landscaping, length and precise location. In this instance the appeal site occupies a particularly prominent position within The Avenue, which has retained its soft verdant and informal character and appearance.
14. I have taken into consideration the availability of current permitted development rights, however they do not set a precedent for railings of the height proposed. Similarly, whilst the appeal property and other dwellings in the area have been extended and modernised, this does not justify changes that would harm the character and appearance of the appeal site, the street scene and the BEASLC. Further, the harm that would be caused by the proposed boundary treatment is not a matter that could be adequately addressed through the imposition of conditions.
15. For these reasons I conclude that the proposal would unacceptably detract from the character and appearance of the appeal site and the BEASLC. Accordingly, it would conflict with LP Policies 28 and 30, SPD14 and paragraph 135 of the Framework.

*Elizabeth Lawrence*

INSPECTOR