

Appeal Decision

Site visit made on 25 October 2016

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2016

Appeal Ref: APP/Z2260/D/3157011

4 George V Avenue, Margate, Kent, CT9 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Morris against the decision of Thanet District Council.
 - The application Ref FH/TH/16/0305, dated 1 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is erection of fence inside existing wall, to three sides of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the fence on the character and appearance of the surrounding area.

Reasons

3. The appeal property is one of a line of dwellings along the southern side of George V Avenue facing a pleasant triangular area of open space. Along this frontage boundary treatments generally comprise low walls with hedging and other planting. These define the edges of the domestic curtilages in a restrained and attractive way.
 4. By marked contrast the length of fence facing the avenue and the return sections that are visible from it forms a stark and harsh element in the overall scene. It seriously detracts from the spaciousness that otherwise prevails in front of the row of houses and bungalows. Moreover, the solidity of the fence gives a fortress-like appearance to No 4 at odds with the openness of the immediate locality. Given the prominence of the site the impact is significantly harmful. From parts of Maynard Avenue, where the fence is seen against the backdrop of the dwelling, it is less intrusive. Nevertheless, as it fails to respect or enhance the character and appearance of the surrounding area the proposal is contrary to Policy D1 of the Thanet Local Plan.
 5. The appellant gives examples of other high fences nearby some of which may not have had permission or which may be lawful by virtue of the passage of time. However, none of these alter the analysis undertaken above or warrant accepting a feature that is incongruous in its setting. In this regard whilst hedging in the same position could achieve greater heights and be outside planning control the softer appearance of landscaping is to be preferred.
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6. The fence was erected to provide privacy and security for the occupiers, visiting grandchildren and their dog. It has also assisted in avoiding incidents of minor trespass and littering and is intended to combat vandalism and break-ins. All of these are understandable but it is not apparent that all possible options have been explored to this end. Consequently it is unfortunate that the Council has refused to undertake a site visit to discuss possible solutions. However, this has little bearing on my decision and the matters raised do not outweigh the adverse effect of the fence.
7. The fence does not interfere with sight lines for drivers and is also said to act as a sound barrier from traffic and emergency sirens but neither of these factors override the harm identified.
8. In conclusion, the fence is discordant and harms the character and appearance of the surrounding area. The conflict with the development plan is not outweighed by any other material consideration. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR