

Appeal Decision

Site visit made on 15 December 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 3 January 2017

Appeal Ref: APP/G2245/D/16/3159984

4 Glendale, Swanley, Kent, BR8 8TB

- 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 Darren Chambers against the decision of the Council of Sevenoaks District Council.
 - The application Ref SE/16/00656/HOUSE dated 2 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is '*erect a Continental wooden fence around my back garden to provide privacy and security.*'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's full description of the development is largely a narrative that, after him mentioning what the proposal entails, and which I have reproduced above, goes on to explain the reasons for the intended development. He indicates that in recent months there has been a spate of teenagers loitering in his garden who have been indulging in anti-social activities, along with instances of dog fouling on the lawn.
3. It is the principle of the proposal that is at issue between the two main parties in this appeal, although in his stated grounds the appellant raises a concern regarding the Council delaying the validation of the planning application made. However, my remit does not extend beyond assessing the planning merits (or otherwise) of the proposal and, as such, I am not able to investigate and pass any judgement on matters of procedure relating to the Council's handling of the application.

Main Issue

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

Reasons

5. The appeal dwelling is a two-storey, post war dwelling with a generous curtilage relative to a number of properties in the vicinity. No 6 Glendale, the neighbour immediately to the west, is set forward of, and at right angles to, the appeal
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dwelling and the proposed 1.95m high fencing would run from the latter's flank wall up to a point 600mm from the back edge of the footway and would then recess along the common boundary with No 6. In fact, the latter section has already been erected. At my site visit I noted that the property benefits from an attractive hedgerow which sweeps along the boundary with the footway. I understand that the hedgerow would remain but, nonetheless, it would appear from the appellant's case that, in his view, circumstances also require for a solid form of screening immediately behind.

6. Although I observed some other examples of vegetative screening in the immediate area, the prevailing pattern of development is one of openness with dwellings set back from the street but without any significant boundary demarcation. Indeed, this characteristic is typically redolent of estates such as this.
7. In such a context the erection of fencing, and certainly to the height proposed, would be out of keeping with the pattern and appearance of the locality. In this regard the proposal runs contrary to Policy SP1 of the Council's Core Strategy (CS) which requires that all new development should respond to the local character of the area in which it is situated. Neither does it accord with Policy EN1 of the Council's Allocations and Development Management Plan (DMP) which, although it serves to ensure, amongst other things, privacy and garden space for residential occupiers, also fundamentally looks towards development which responds to local character.
8. I appreciate the problems which the appellant has apparently experienced but this does not in itself warrant fencing to such a height as to be readily visible and incongruent with its immediate surroundings. As a fallback position boundary fencing up to 1m in height may be erected adjacent to the footway (part of the public highway) under householder permitted development entitlement which would itself serve as a solid barrier whilst being hidden behind the hedgerow. Indeed, I do not consider that all possible solutions have been explored and I consider that insufficient justification has been advanced for the specific proposal at appeal. I note that the appellant feels an understanding had been reached with the original case officer but, even if this were the case, the Council is not bound by its officers imparting informal advice.
9. The appellant has provided me with photographs of some fences and walls erected locally, although I do not have knowledge of their respective planning status. Besides, each individual case needs to be assessed on its own merits and the existence of any possible parallels does not outweigh the harm I have identified would result from the appeal proposal.
10. I conclude that the proposal would be harmful to the character and appearance of the surrounding area and this would materially conflict with the aims of CS Policy SP1 and DMP Policy EN1.
11. For the above reasons, and having had regard to all other matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR