

Appeal Decision

Site visit made on 5 July 2017

by Cullum J A Parker BA (Hons) MA MRTPI IHBC

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

Decision date: 14th July 2017

Appeal Ref: APP/E2205/D/17/3176699

5 Dove Close, Kingsnorth, TN23 3NU

- 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 Chris Douglass against the decision of Ashford Borough Council.
 - The application Ref 17/00091/AS, dated 21 January 2017, was refused by notice dated 8 May 2017
 - The development proposed is described as *'moving 6 foot high fence to boundary line incorporating side garden as part of rear garden of property, previously hedged as in photo from July 2012 (5DoveClose.pdf) attached'*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

3. The appeal site comprises a two storey dwelling located within a residential area. It is surrounded by landscaped areas to its front, rear and side. The street scene is characterised by a designed housing development, where there is a degree of visual linkage between the buildings in terms of their similar styles and materials, and the spaces around them which are fairly open and contain areas of landscaped grounds.
 4. Permission is sought to move a roughly 1.8 metre high close boarded fence to adjacent with the public footpath leading further into Dove Close to the rear of the site. The conflict between the main parties revolve around two points – firstly the materials and design proposed and secondly the siting.
 5. In terms of the materials and style of fencing, the Council would prefer the use of timber fencing set upon a brick plinth wall together with piers. I have been provided with examples of this design by the appellant. However, I was able to see during my site inspection that directly across the road on Dove Close, a timber fence abuts the public footpath. There is also a timber fence that runs along a boundary with Bluebell Road, opposite the front of 5 Dove Close.
 6. In this respect, whilst I understand the Council preference for the brick plinth wall with fence insert, timber fences are also part of the character of the street
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scene. As such, I do not find that the materials and design proposed would be unacceptable in this case.

7. In terms of the second strand, the relocated fence would abut the rear of the pavement and a grey-coloured utilities cabinet. I note that a similar approach has been used on the other side of the entrance to Dove Close. However, it is clear from that example, which appears to be a fence much shorter in length and with a much smaller gap between the flank wall of the house and the pavement, that the result is a fairly harsh and abrupt boundary with the pavement. What is more, when looking further around Dove Close hedges are also a typical and key characteristic of the street scene.
8. Visually they help break up the rather bland grey areas of hardstanding formed by the roads and pavements. For example, looking at the hedge along the side other properties within the area, these help contribute to the character of the area as a green and pleasant housing development, whereas a timber fence would be much harsher especially set against the pavement without any hedging to provide some visual relief. What is more, the boundary of 5 Dove Close forms part of the entrance into the wider Close, and the inability to provide some landscaping in front of the fence given that the fence would abut the pavement, would alter the appearance of the area from an inviting one to one that would be harsh and uninviting.
9. I therefore find that whilst the material and design proposed are acceptable in principle, the inability to provide any landscaping onto the public realm would, in this case, alter the character of the area to its detriment and be materially harmful to the street scene. It would therefore be contrary to Policies CS1 and CS9 of the Core Strategy 2008, which, amongst other aims, seek to protect the high quality built environment and demonstrate a positive response to character, distinctiveness and sense of place.
10. It would also be contrary to the policies of the National Planning Policy Framework, which includes reinforcing and promoting local distinctiveness and that planning should always seek to secure high quality design for all existing and future occupants of land and buildings.
11. I note the 'holding objection' from the local highways authority dated 21 March 2017. It is not clear that the appellant has provided any further information in this respect, beyond their statement of case which indicates that '*the required visibility splays are provided on neighbouring land to the south.*' Given that most of the sight lines would appear to remain free of obstructions, that there is a public footpath which would form part of the vision splays and that the exit/entrance serves a limited number of properties, I do not consider that the relocation of the fence would result in material harm in terms of highway safety. However, this does not alter or overcome my findings on the main issue.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR