
Appeal Decision

Site visit made on 31 May 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/V2255/D/17/3172123

15 Pearl Walk, Sittingbourne, ME10 5AG

- 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 Jason May against the decision of Swale Borough Council.
 - The application Ref 16/507361/FULL, dated 4 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is: *'To extend garden wall on unused ground on boundary line of house/land owned.'*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) The proposal's effect on the character and appearance of the area; and
 - 2) The proposal's effect on the living conditions at No 14 Pearl Walk, with specific regard to outlook.

Reasons

Character and appearance

3. The pathway between the appeal site and No 14 Pearl Walk acts as an entrance into the estate, performing both a physical and a visual function. The open, grassed area allows for views towards Spinel Close from the main road, giving a sense of spaciousness to both users of the pathway and other pedestrians nearby.
4. The intended fencing would be positioned hard up against the path and would extend outwards from No 15's side wall, at a point just behind its frontage. It would then taper inwards to bound a narrow, green border, running to a point on the side wall close to the rear end of its garden. I consider that this spaciousness would be significantly reduced and materially harmed by the erection of a 1.8m high fence in this location.
5. I note the appellant indicates that the verge is often littered and dog-fouled and enclosing it for incorporation into the property's garden would ensure its maintenance and enhance the area. However, in my judgement the combination of the length, height and location of the fencing would mean that users of the path would feel an unwelcome sense of enclosure whilst, to

passers-by, the quality of open views would be lost. I consider that this loss outweighs those benefits put forward by the appellant.

6. On this main issue I conclude that the proposal would be harmful to the character and appearance of the area, and would be contrary to the design objectives of Policies E1 and E19 of the Council's Borough Local Plan (LP).

Living conditions

7. No 14, on the opposite side of the footpath, is set behind a shallow front garden. Its frontage has two windows from which the path is visible. One of the windows is obscurely glazed whilst the other, although lighting a habitable room, is secondary to the room's larger bay window which is set within the building's side elevation. This orientation would mean that the side bay would not be affected by the proposal.
8. The front window would not face directly towards the line of the proposed fence. Given also that the enclosure fence would be of standard garden fence height and sufficiently distanced from the window, I do not consider that the particular circumstances would result in an appreciable loss of outlook from the window. The proposal would not be to the occupiers' detriment in this regard.
9. On this main issue I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers, and would not conflict with the objectives of LP Policy E1 which, amongst other things, serves to safeguard such interests.

Other matters

10. The appellant has provided a series of photographs taken from various points on the estate showing the relationship of flank walls to their respective boundaries. I have had regard to these but none properly reflect the particular circumstances relating to the appeal site and its immediate surroundings.
11. In this context neither the absence of any objection to the proposal by other parties nor the appellant's suggestion that the Council could exercise control over the type of fencing by way of a planning condition are sufficient factors such as to outweigh the harm I have identified would result. My conclusions are therefore unaffected.

Conclusion

14. Although I have found that the living conditions at No 14 would not be adversely affected this is outweighed by my conclusion as to the harm that would result to the area's character and appearance. I consider this to be significant.
15. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR