
Appeal Decision

Site visit made on 24 October 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 08 November 2017

Appeal Ref: APP/V2255/D/17/3179719

Cranbrook Farm, Callaways Lane, Newington, Kent ME9 7LU

- 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 Robert Lane against the decision of Swale Borough Council.
 - The application Ref 17/501019/FULL, dated 17 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is described as '*Removal of a derelict boundary fence and erection of a new 1.8 metre high brick boundary wall and renovation of an existing 340mm high brick garden retaining wall to an unlisted building in a Conservation Area*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the proposal's effect on the character and appearance of the surrounding area, with particular regard to its conservation area location.

Reasons

3. The proposal's description and an entry on the original application form is somewhat vague and there is little clarification in the appellant's Design and Access Statement. It is not clear how the existing 340mm high front garden wall would be renovated whilst the application form indicates that the new 1.8m high wall would be 'red brick to match existing.' As the proposal involves, in the first instance, the removal of what is described as a 'derelict fence' I have no information before me to suggest what it is exactly that the proposed red brick would match in appearance.
4. The Cranbrook Farm dwelling is faced with a yellowish colour render whilst the Granary building on the opposite side of the access driveway, although red brick in part, is too distanced from the intended line of the replacement 1.8m high wall to represent a marker building in this regard. Moreover, the sole plan submitted with the application (Drawing No RL-BW-02 Rev A) does little to inform or clarify matters, showing only the line of the wall and the trees to be removed behind.
5. In light of the above, when applying the statutory test under s72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I am not convinced, in the absence of proper illustrative material, that the appellant has satisfactorily demonstrated how the proposal would preserve or enhance the character or appearance of the Newington Manor Conservation

Area. I have no proper detail before me to suggest otherwise and I must therefore share the Council's concerns that the introduction of a significant expanse of 1.8m high wall close to, and on a prominent bend in the road, would be potentially intrusive and harmful to the streetscene. Although I consider that any resultant harm to the Conservation Area would be less than substantial there would be insufficient public benefits arising from the proposal to outweigh the degree of harm.

6. In such circumstances, despite the appellant's suggestion, allowing the appeal and granting planning permission with a condition imposed that would merely require the submission of materials for subsequent written approval would be unsatisfactory and not appropriate given the appeal site's setting. It is also necessary to have certainty as to the development's integration within the streetscene.
7. I thereby conclude that the proposal would be harmful to the character and appearance of the surrounding area and would fail to preserve or enhance the character or appearance of the Conservation Area. It would also be in material conflict with the design objectives of Policies E1, E15 and E19 of the adopted Swale Borough Local Plan, Policies CP4, DM14 and DM33 of the emerging Swale Borough Local Plan 'Bearing Fruits', and the Council's Supplementary Planning Guidance 'Conservation Areas'.
8. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR