



Appeal Decision

Site visit made on 16 October 2019

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/U2235/D/19/3231393

Holtye Cottage, Headcorn Road, Staplehurst, TN12 0BU

- 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 Nigel Sheeran against the decision of Maidstone Borough Council.
 - The application Ref 19/500534/FULL, dated 8 April 2019, was refused by notice dated 2018.
 - The development is the erection of 5 feet overlapping fence between a hedge at Holtye Cottage, Headcorn Road. Consisting of 6 x 5 feet panels with 6 inch baseboards and supporting posts .
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises the front boundary of a detached property located on the northern side of Headcorn Road at its junction with Hurst Close. The front boundary is formed by a row of conifer trees which appear to have been recently cut back and with a tall wooden fence erected in front of them along the back edge of the footpath. It is this fence which is the subject of this appeal.
4. The appellant argues that the Highways Agency has raised no objections and that the fence is not obtrusive. It is also pointed out there are many examples of wooden fences elsewhere within the vicinity which do not appear to have been challenged.
5. At my site visit, I drove from the main settlement of Staplehurst approaching the appeal site from the west. In that regard, I agree with the Council that the character of boundary treatment gradually changes away from the centre, from that of walls and fences to much softer boundary treatment comprising hedges in the main. That is the character in the vicinity of the appeal site with hedges to the west and east of the site, and also opposite where there is a wide expanse of grass with hedges to the rear. The appeal frontage also contributes to the rural feel of the area with its frontage of trees, albeit that they are not

- an indigenous species. In contrast the large section of solid fencing, some 12 metres in length and approximately 1.7 metres high, creates a somewhat harsh and incongruous element in an otherwise greened frontage, and in my view, causes visual harm as a result. I also do not consider such harm could be overcome by it being painted in a more appropriate colour; it is the form and material of the boundary treatment itself which causes the harm.
6. I note that the hedge was apparently cut back at the request of the highway authority, presumably because it was obstructing the footpath. However, I do not consider that the only solution was to then erect a fence in front of it. There are other solutions which would have been more appropriate including presumably, the simple regular maintenance of the row of trees.
 7. I acknowledge that there are examples of other fences in the immediate area but I am not aware of the detailed circumstances of those as to whether they received planning permission or not. In any event, the prevailing character in the immediate vicinity of the site along Headcorn Road, is soft and green frontages as set out above. That character changes in the nearby Hurst Close where the estate frontage is more open plan. There is also a section of fencing close to the junction. However, that is not a good reason for allowing a harsh boundary treatment on the main Headcorn Road frontage itself.
 8. I note that the Council's Supplementary Planning Document on Residential Extensions (SPD) seeks to discourage close boarded fences above 1 metre in height unless it is characteristic of the street. However, as explained above, that is not the case in the vicinity of this site, and therefore the fence is clearly contrary to that guidance.
 9. I acknowledge that no objections were raised by the Parish Council, but that does not alter my findings above.
 10. In relation to other matters the occupiers of a neighbouring property are concerned that the combined effect of the trees and fence restricts visibility from their driveway. However, I note that the Highway Authority does not consider that the fence on its own has made the situation which previously existed any worse from a visibility point of view and having noted the height of the trees on site I see no reason to disagree. I therefore agree that there is no sustainable highway reason to resist the proposal.
 11. The Council advises that the development has not impacted upon any trees protected by TPO No 14 of 1997 which I also duly noted on site and agree with.
 12. Notwithstanding the above, for the above reasons, the section of fencing is contrary to Policies DM1 and DM9 of the Council's Adopted Local Plan 2017, and also to guidance within the SPD, in that it does not respond positively to local character and does not fit unobtrusively with the character of the street scene.
 13. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR