
Appeal Decision

Site visit made on 29 October 2019

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/X2220/D/19/3223031

86 New Street, Sandwich, Kent CT13 9BD

- 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 John Skinner against the decision of Dover District Council.
 - The application Ref DOV/18/01153, dated 24 October 2018, was refused by notice dated 9 January 2019.
 - The development proposed is erection of fence.
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Preliminary matter

1. The fence has already been erected and I have considered the appeal on this basis.

Decision

2. The appeal is allowed and planning permission is granted for erection of fence at 86 New Street, Sandwich, Kent CT13 9BD in accordance with the terms of the application, Ref DOV/18/01153, dated 24 October 2018, and the plans submitted with it, subject to the following condition:
 - 1) No further cultivation of the enclosed area within 1.5 metres of the fence designated as C-D between St Oswalds and 86 New Street shall take place until details of boundary screening planting, gravel board bunding and concrete decorative treatment have been submitted to and approved in writing by the local planning authority. These details shall include plant species, colours and textures and an implementation programme. The boundary screening planting, decorative treatment and gravel board bunding shall be carried out in accordance with the approved details in accordance with the approved programme and retained as such.
 - 2) No artificial preservative, staining or paint treatment is to be applied to the timber elements of the approved fences without the written prior approval of the local planning authority.

Reasons

3. The main issues are as follows: whether the fence would preserve or enhance the character or appearance of the Sandwich-Walled Town Conservation Area (CA): and the effect on the architectural character and historic interest of 74 New Street, St Oswalds (a Grade II listed building), 86 New Street (the former Sandwich Arms, also Grade II) and the historic interest of Rope Walk (a Scheduled Monument)(SM).

4. The appeal site forms part of the rear garden of St Oswalds, a 19th century red brick 3 storey house and outbuildings, now converted into 5 flats. The garden had been unmaintained and overgrown. At the site visit, I saw that the site area acquired by the appellant is being mostly cultivated for vegetables. The fence in question has been constructed in 2 parts. Section A-B adjoins a flint and brick wall that already forms a boundary between the appeal property and the Rope Walk. The new fence descends quickly into an open ditch and is in place to deter litter and vandalism. Section C-D describes the new boundary with the reduced St Oswalds garden and is considerably longer.
5. The Rope Walk is a public right of way which follows part of the original path of the ramparts of the old town wall. Along with other walks around the perimeter, it allows appreciation of the ancient boundary of the town and of the town drain which runs alongside and provides wildlife interest. The designation recognises its importance as part of one of the most complete examples of medieval earth ramparts in England, dating back to the 13/14th century.
6. The heritage significance of the CA stems mainly from the architectural character and historic interest of the many buildings which reflect the wealth derived from the port in earlier times, together with the largely unaltered street layout within the old walls. The area behind St Oswalds contributes to appreciation of this by providing an open setting for St Oswalds and the rear of the houses and gardens along New Street.
7. The new fences are constructed from vertical feather-edge timber boarding with pre-cast concrete and timber posts and deep pre-cast concrete gravel boards. The sloping fence erected at A-B appears out of place seen against the adjacent flint and brick wall because of its very different timber construction. However it has no concrete posts except at the lower end, where the ground is damp. Here they are inconspicuous. Although close to the Rope Walk, it is easy to look over the fence to appreciate the open character of the land behind St Oswalds. The timber boards will weather relatively quickly to a grey finish and are already lightening in colour. It is reasonable to assume that vegetation in front will grow in time, as it has elsewhere, providing some screening.
8. It is apparent that a variety of modern fence and boundary treatments have been erected within the CA in other locations over recent years but the circumstances that applied may be different. I do not give a great deal of weight to the idea that these provide a precedent. The relationship between such fences and nearby heritage assets is different in every case. Where vegetation has grown to screen such fences and walls and weathering has occurred, the negative aspects can considerably subside or disappear. In the case of the fence designated as A-B, the main focus of people using the Rope Walk is likely to be in the opposite direction towards the water, vegetation and wildlife in the Town Drain. The small section of visible timber fence descends rapidly away from the Walk and will gradually blend with the vegetation around it. There is a clear view over it. Within a relatively short time, it is likely to have become incidental in the experience of people using the Walk. I do not find that it would unacceptably compromise appreciation of the heritage significance of the SM, the CA or the listed buildings.
9. On the other hand, the long fence designated as C-D is a stark feature seen from the Rope Walk because of its new, unweathered appearance. The gravel board is particularly noticeable, as are the regularly spaced concrete posts.

Even after a period of weathering, these elements are likely to remain visually out of keeping at the rear of the listed buildings, where existing boundaries are generally of brick construction. A short existing length of old pre-cast concrete walling behind No. 86 bears this out. However, if the concrete gravel board is earthed up as suggested by the appellant, it would do a great deal to reduce the stark appearance of the fence. Treating the posts with an appropriate finish such as a water based textured masonry paint to help them to blend in with the timber boarding, together with new vegetation screening, would significantly reduce the overall visual impact.

10. Any new boundary treatment requires time to weather and blend in. It is not disputed that from time to time, land ownership will change and security issues will emerge, requiring boundaries to be marked in various ways. The particular location of these fences is such that with appropriate surface treatment, screening vegetation and earthing up, they would have no unacceptable harmful impact on the ability to appreciate the heritage significance of the CA, SM and listed buildings. Conditions are imposed to allow the timber boarding to weather naturally, to control the colour and texture of the posts, to provide earthing up at the base and to provide suitable screening planting.
11. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR