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## Appeal Decision

Site visit made on 16 August 2021

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 September 2021**

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**Appeal Ref: APP/L2250/D/21/3275071**  
**13 Swan Lane, Sellindge TN25 6EP**

- 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 Emami-Jones against the decision of Folkestone and Hythe District Council.
  - The application Ref Y19/0575/FH, dated 13 May 2019, was refused by notice dated 22 February 2021.
  - The development proposed is erection of a fence.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application form indicates that permission is being sought in retrospect for the retention of the fence. I observed at my visit that an enclosure has been erected along the frontage of the property. Despite what may have taken place on site, I am required to consider the details that are before me in the event that the boundary that has been erected at the site may not fully accord with the submitted drawing. I have considered the appeal on the basis of this plan.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

### Main Issues

4. The main issues in respect of the appeal are the effect of the proposed development upon the character and appearance of the area and highway safety.

### Reasons

#### *Character and appearance*

5. This residential street hosts properties set back from the highway that are enclosed by low frontage fences or walls or alternatively by frontages that are open without any front boundaries. The general openness to the frontages and visibility of dwellings and their front gardens and driveways creates a

distinctiveness to the street's character giving it a sense of place. I saw that there is a general absence of tall fence enclosed frontages along this street and within the environs of the appeal property.

6. Enclosing the frontage would remove the open character to this part of the street and this would be a diminution of its open character. Furthermore, it would obscure the visibility of the dwelling and its frontage, which would also be uncharacteristic to this street scene. Consequently, the proposal would be wholly out of keeping and be visually harmful to the character and appearance of the locality.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies HB1 and HB8 of the Folkestone & Hythe District Places and Policies Local Plan (the Local Plan) that seek, amongst other matters, development to make a positive contribution to its location and surroundings, enhancing integration and to not have a detrimental impact on the street scene.

#### *Highway safety*

8. The existing driveway provides access onto Swan Lane, which is a Classified C road. The site entrance would be reasonably wide and host low planters either side. The renovation works would enable the appellant's vehicles to be parked on site rather than on the public highway where they would create potential obstacles to the free flow of traffic along the public highway. Furthermore, I acknowledge that it would be possible to leave the site in a forward gear.
9. Notwithstanding the above, the Council's Highway adviser has highlighted that it has not been demonstrated that appropriate visibility splays can be provided. An access without adequate sight lines in both directions along Swan Lane would limit the potential for a driver when leaving the site to anticipate oncoming vehicles, pedestrians and cyclists. As such, if the appropriate sight lines are not provided at this site, this is likely to increase the risk of accident thus endangering the well-being and safety of those using the public highway, as well as the well-being and safety of those drivers exiting the appeal site. This would have a significant adverse impact on highway safety.
10. It is advised that vehicles frequently park on the highway close to the access which blocks visibility. To my mind, this makes it all the more important to ensure the site hosts appropriate visibility splays. It has been suggested that white/yellow lines could be painted on the main road outside the property. Whilst this could prevent vehicles parking close to the access, I have no substantive information before me that would indicate that the placing of lines could or would take place.
11. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore, conflict with Policy T1 of the Local Plan that seeks, amongst other matters, development to create an environment that is safe for all street users.

#### *Other matters*

12. It is advised that, being a bungalow, there are bedrooms to the front of property. As such, passers-by potentially could look into the property. It has been explained that a fence is required to improve privacy. A fence would also

reduce traffic noise and provide security for vans kept at the property. In addition, a fence would improve safety for the applicant's young children. I accept that there would be benefits for the appellant of having a tall fence running along the site frontage. However, the harm arising to the character and appearance of the area and to highway safety would be permanent and are not outweighed by the appellant's particular circumstances.

13. Renovation works that have already taken place may have improved what is said to have been a run-down property and altering the fence that has been erected to create acceptable visibility splays may have a financial implication for the appellant. However, these matters do not justify the harm that I have identified.
14. Although no objection has been raised by the local parish council, the proposal needs to be considered in terms of the wider public interest. Some concern has been raised to the Council's delay in determining the planning application. However, that is a matter that, if necessary, should be taken up with the Council away from this appeal. I acknowledge that planning permission has in the past been granted, in outline, for residential development at the site. However, that was a different proposal where different considerations will have applied.

### **Conclusion**

15. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR