



Appeal Decision

Site visit made on 17 November 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021.

Appeal Ref: APP/A2280/D/21/3279891

1 Ladywood Road, Cuxton, Rochester ME2 1EW

- 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 David Francis against the decision of Medway Council
 - The application MC/21/1178, dated 22 April 2021, was refused by notice dated 23 July 2021.
 - The development proposed is to replace/move existing fence out to boundary.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The appeal property comprises a semi-detached dormer bungalow located on the corner of Ladywood Road at its junction with Charles Drive. It occupies a prominent position and is highly visible as you drive up Charles Drive towards the junction. The corner frontage is largely open comprising a mixture of paved parking and grassed areas. On the return frontage to Ladywood Road, there is significant vegetation consisting of a mixture of trees and bushes, which is somewhat overgrown. Previously, it appears that there was a grassed area adjacent to the footway as a low chain and post fence is still visible. Set back behind that and approximately 2 metres from the back edge of the highway, is a fence which is just visible amongst the overgrown vegetation. The fence encloses the rear garden area to the property.
4. The proposal involves moving a section of the fence forward, between the end elevation of the house and the driveway in front of the site's garage on the south east side, so that the fence would abut the back edge of the footway. It would be 1.8m high and close boarded. The appellant argues that this would make the area easier to maintain and he could see the benefit of planting inside the fence line. Currently the appellant considers that the area is difficult to maintain because of the proximity of cars parked on the footway and that because of its overgrown state, the area is subject to the dumping of rubbish. It is pointed out that there would still be an open area of bushes and lawn and it is therefore considered that a good balance would be struck, providing a benefit to the local area.

5. From my site visit, I agree with the Council that the general character of the frontages in the locality is open with front gardens mainly laid to lawn or complemented with small bushes. This is the case along Charles Drive and continues down Ladywood Road. The appeal property adds to this pleasing open character, despite the somewhat overgrown nature of the current frontage. In my view, the introduction of a section of fence at 1.8m high along the back edge of the footway, would introduce a harsh visual appearance, particularly on this open and prominent corner site. Such an appearance would be at odds with the character of the local area and would cause visual harm as a result, notwithstanding that some open area would be left.
6. I acknowledge that the appellant gains little benefit of the trees that are in front of the existing boundary fence when viewed from inside the property. However, they add to the general setting and visual appearance of the property in the streetscene. I also acknowledge that the parking of cars immediately in front of the vegetation makes it more difficult to maintain, but not unduly so in my view given a will to carry out such maintenance. A well maintained frontage may also make it less likely for persons to drop rubbish into the overgrown area as apparently is the case currently.
7. Notwithstanding the desire to reduce maintenance of the area beyond the fence line, the proposal would cause visual harm to the character and appearance of the area. It would therefore be contrary to Policy BNE1 of the Medway Local Plan 2003 in that it would not respect the appearance and visual amenity of the surrounding area. It would also be contrary to paragraph 130 of the National Planning Policy Framework which states that development should add to the overall quality of the area and be sympathetic to local character. For the above reasons that would not be the case with the current proposal.
8. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR