



Appeal Decision

Site visit made on 26 January 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/U2235/D/21/3287738

2 Boxley Close, Maidstone ME14 2DJ

- 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 Gavin Bayley against the decision of Maidstone Borough Council.
 - The application Ref 21/502490/FUL, dated 8 July 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as Composite eco fence erected at 1.9 metres high around the boundary of the property, adjacent to public footpath.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the fence had been constructed. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site forms a corner plot at the junction between Boxley Road and Boxley Close and is situated diagonally opposite Penenden Heath. It occupies a relatively prominent position in the public realm and is visible in both short and longer distance views. Boundary treatments fronting the highway in the surrounding area include generally low walls and timber fences – with hedges/vegetation visible behind – along Boxley Close while higher timber fencing is present along the rear boundaries of the Staplers Court properties which back on to Boxley Road. The fence at No 1 Staplers Court, which is situated on the other side of the junction from the site, also runs along much of that property's Boxley Close frontage. Although the locality therefore contains a mixture of boundary treatments facing the public realm, they generally have a modest presence due to either their low height or, in the case of the higher close boarded fencing described above, their set back from the footway and the inclusion of soft landscaping. The area in the vicinity of the site therefore has a relatively open character and verdant appearance, with boundary treatments neither dominating nor being particularly notable features in the streetscene.
5. With its height and lack of set-back accentuating its prominence and limiting the opportunity for soft landscaping to soften its presence, the proposed fence – which faces both Boxley Close and Boxley Road – reads as a stark, obtrusive

and harmful element in the streetscene. Its composite material and solid grey colour draw the eye – for some distance, including from across the Heath for example – to what is a conspicuous, unsympathetic and incongruous feature that does not reflect boundary treatment found in the surrounding area and erodes the open character of the locality.

6. In coming to this view, I have taken into account that the proposed fence is similar in height to the close boarded fencing described above, the previous fence was longer than the proposed fence, the visual prominence of the property compared to the appeal proposal, and that buildings in the locality are not designated heritage assets or within a conservation area. Although the built environment in the surrounding area includes various grey elements, such as cladding, fenestration, driveways, walls, fences of various heights, grey painted buildings and the nearby pub's conservatory, I observed on my site visit that such materials and features are not notable or defining characteristics of the area. Accordingly, the existence of such elements neither make the development acceptable nor lead me to a different conclusion.
7. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it does not accord with Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017). Amongst other aspects, these seek development with good design and set out that proposals which respond positively to local character, retain traditional boundary treatment of the area and fit unobtrusively with the context will be permitted. The proposal would also be inconsistent with the guidance on boundaries in the Council's Supplementary Planning Document, Residential Extensions (2009).
8. I acknowledge that the appellant found the previous one metre high fence did not offer privacy to the property's main garden and the family dog was able to jump over it, creating a dangerous situation for the dog and highway users. The proposed fence is said to have been complimented by various neighbours, keeps the dog(s) in and safe, and reduces the amount of rubbish being blown into the garden from the road. It has been put to me that the fence, providing privacy for the family and visitors, is also an environmentally friendly composite made from 95% recycled material and will not need annual maintenance with harmful chemicals. Be that as it may, the harm I have identified above, which could not be overcome by the imposition of planning conditions, and the conflict with the development plan are not outweighed by these considerations. Given the development's harm on the character and appearance of the surrounding area, it does also not adequately address the social and environmental roles of sustainable development as set out in paragraph 8 of the National Planning Policy Framework.

Conclusion

9. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR