



Appeal Decision

Site visit made on 25 January 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/U2235/D/21/3285892

36 Medway Avenue, Yalding ME18 6JN

- 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 Mrs Sarah Eveleigh against the decision of Maidstone Borough Council.
 - The application Ref 21/502708/FULL, dated 10 May 2021, was refused by notice dated 11 August 2021.
 - The development proposed is described as 'We have had a 6ft fence erected at part of the boundary of our property to replace a hedge that according to KCC didn't comply with their regulations, As it was taking over too much of the footpath. After consulting professionals it was apparent that the hedge could not be cut back to the boundary line as being Ivy it would have just fallen over leaving us with no security to our property. We live on the end of the street with a wrap around garden that is in use by our children and pets all the time which is why we require the fence to allow them to stay safe whilst enjoying their own garden. KCC were informed of our plan to replace the hedge with a fence and at no point advised that we had to consider height due to its position or else I would not have taken the decision so lightly. Before KCC complained about the hedge we had no intention whatsoever to remove it, and I feel very let down by them to have now put me in this position compromising the safety and privacy of our property. Given that the fence has replaced a hedge of equal size it does not alter nor impact visibility to anyone entering or leaving our road.'
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Decision

1. The appeal is allowed and planning permission is granted for removal of boundary hedge and erection of 6ft boundary fence at 36 Medway Avenue, Yalding ME18 6JN in accordance with the terms of the application, Ref 21/502708/FULL, dated 10 May 2021, the plans titled Location Plan (Plan Ref No TQRQM21152201952676), Site Plan (Plan Ref No TQRQM21152203229739) and Elevation drawing, and subject to the following condition:
 - 1) Within three months of the date of this permission, the fence hereby permitted shall be stained either matt dark brown or matt black and shall thereafter be permanently maintained as such.

Preliminary Matters

2. At the time of my site visit, I saw that the development had been constructed. I have dealt with the appeal on this basis.
3. The description of development in the banner heading above has been taken from the planning application form. However, the appeal form includes different wording which reflects the description in the Council's decision notice. I have therefore used this revised description as it better captures the development's scope, albeit omitting words which do not describe acts of development.

Main Issue

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

Reasons

5. Forming a corner plot at the junction of Yalding Hill and Medway Avenue, the appeal site occupies a relatively prominent position in the public realm. Although it fronts on to both Medway Avenue and Yalding Hill, the majority of its frontage runs along the latter and this is where the fence has been constructed. The remainder of its frontage is bounded by a mature hedge which faces the junction and runs from the Medway Avenue side of the site to where the fence begins on Yalding Avenue.
6. The Council's Supplementary Planning Document (SPD), Residential Extensions (2009) sets out, amongst other things, that boundaries to properties have a significant impact on the character of an area and visual amenity. In this case, the surrounding area contains a variety of boundary treatments facing the highway, including hedges, walls of varying heights and various fences. While some are relatively low picket fences, there are also some close board fences facing the highway and next to the footway, and which are visible in the same views as the site. This includes close board fencing with a similar height to the appeal proposal running along Yalding Hill to the north of the Walnut Tree public house and a slightly lower fence closer by at Nux Domus. The adjoining semi-detached property also has close board fencing facing Medway Avenue. Despite the existence of some relatively tall walls and fences facing the highway, soft landscaping is also frequently visible – either above such features or forming the main/furthest forward boundary treatment – and provide the area with a verdant quality.
7. The appeal proposal is visible for some distance along Yalding Hill and runs adjacent to the footway for approximately 17 metres with no space for planting along its front. Its position, height and length, combined with its rather bright, un-weathered appearance, mean that it is a relatively prominent feature in the public realm. However, given the variety of boundary treatment in the locality, the similar close board fencing present in the vicinity of the site, the taller trees visible behind the fence and the remaining adjoining boundary hedge, the appeal proposal does not read as a negative feature out of character with its surroundings. The soft landscaping behind but visible above the fence and on the remainder of the site's frontage also serve to soften the presence of the fence and ensure that the site, including part of its boundary with the highway, retains a green appearance and continues to contribute to the verdant nature of the locality. Furthermore, the current visual impact and somewhat stark, conspicuous appearance of the fence could be reduced if it were to be stained a darker colour, while it is likely that it would also take on a more subtle, weathered appearance over time. In coming to this view, I have taken account of the site's edge of village location and that the Council do not refer to any enforcement action in relation to the existing fence positioned to the north of the public house and which is adjacent to double yellow lines.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords 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 consistent with the: provisions in the National Planning Policy Framework in relation to achieving well-designed places; and the guidance on boundaries in the Council's Residential Extensions SPD.

Conclusion and Conditions

9. For the above reasons, the appeal is allowed.
10. As the development has already been completed, the standard time limit and plans conditions are not necessary. However, for clarity, I have referred to the relevant plans in my decision. In the interests of the visual amenity of the area, it is necessary and reasonable to impose a condition requiring the fence to be stained a darker colour.

T Gethin

INSPECTOR