



Appeal Decision

Site visit made on 7 July 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/A2280/W/21/3289901
1A Horsted Avenue, Chatham ME4 6JU

- 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 Cynthia Kanali against the decision of Medway Council.
 - The application Ref: MC/21/2495 dated 23 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is installation of 1200mm high fence incorporating trellis 600mm to the front/side, 1500mm steel access gate together with a detached bike shed to the side.
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Decision

1. The appeal is allowed and planning permission is granted for installation of 1200mm high fence incorporating trellis 600mm to the front/side, 1500mm steel access gate together with a detached bike shed to the side at 1A Horsted Avenue, Chatham ME4 6JU in accordance with the terms of the application, Ref: MC/21/2495 dated 23 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A.01.1 Rev 02; A.01.2 Rev 02 and A.01.3 Rev 02.
 - 3) The materials to be used in the construction of the development hereby permitted shall accord with the materials shown on the approved plans and the material details set out on the application forms.

Preliminary Matters

2. The Appellant provided a considerable amount of information on the application form to explain her proposal. Although I have taken this into account in my consideration of the appeal it is only necessary for me to record the form of the proposed development. I have therefore taken the description of development, set out in the header above, from the Council's decision notice and as used by the Appellant at the appeal stage.
3. The submitted plans show a 1500mm steel access gate although there are references by the Appellant to both a 1500mm and an 1800mm high access gate. As the plans show a 1500mm gate and this is the height indicated in the description of development, this is the height of the proposed gate I have considered.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the street scene.

Reasons

5. The appeal property relates to a first floor flat, within an end of terrace house, converted into two flats, on the corner of Horsted Avenue with Randall Road, within a predominantly residential area. Access to the two flats is off Randall Road and the garden serving the first floor flat fronts onto Horsted Avenue and Randall Road. As existing, there is a 1m fence running around the front garden.
6. The proposal would replace the existing fence and would erect a 1200mm high solid wooden fence topped with a 600mm high trellis giving a total height of 1.8m along the Horsted Avenue frontage and part way along the Randall Road frontage, reducing to a 1200mm fence as far as the opening to provide access to the two flats. There would be a steel access gate into the front garden area and within the front garden a bike store would be erected. There would be a 1800mm solid timber panelled fence along the common boundary with the adjoining property at No 3 Horsted Avenue.
7. Horsted Avenue and the surrounding roads, including Randall Road, have a wide variety of frontage treatments, ranging from open frontages to walls fences and planting of different heights. Solid and taller walls and fences are particularly evident where gardens to end of terrace properties side onto one of the roads. The part of the fence proposed as close boarded fencing would not be significantly higher than the existing fence and the use of trellis fencing above the 1200mm fence would assist in reducing the solid mass of the proposal. Given the wide range of frontage treatments, I do not consider that the proposed boundary treatment would look harsh or would result in a hardening impact on the street scene.
8. The proposed bike shed would be of modest proportions and with a maximum height of 1600mm it would be largely screened by the proposed fence. It would not therefore be a dominant feature within the street scene.
9. I am therefore satisfied that the proposed works would respect the varied street scene, with particular reference to frontage boundary treatments. There would be no conflict with Policy BNE1 of the Medway Local Plan 2003 and the National Planning Policy Framework and in particular Section 12, both of which seek, amongst other things, a high quality of design which respects the local context. The Appellant has referenced a number of additional policies, but I have referred to those which I consider most relevant to the proposal and the main issue that I have identified.

Other Considerations

10. I have taken into account the Appellant's reasons for seeking the proposal including in terms of security, privacy and use of the garden area and to provide secure parking for her bicycle outside of the flat. However, as I have found that the proposal would respect the street scene, there is no need for me to address these other considerations further. The Appellant has also referred to her rights under Article 1 of the First Protocol, but as I have decided to allow the appeal, my decision would not lead to any violation.

Conditions and Conclusion

11. In terms of conditions, materials should match those specified in the application in order to protect the street scene. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
12. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR