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## Appeal Decision

Site visit made on 21 July 2022

**By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

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

**Decision date: 03 August 2022.**

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**Appeal Ref: APP/T2215/D/22/3298647**

**Yew Tree Cottage, Shirehall Road, Hawley DA2 7SE**

- 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 Debby Ebanks against the decision of Dartford Borough Council.
  - The application Ref DA/21/01449/FUL, dated 14 September 2021, was refused by notice dated 18 February 2022.
  - The development proposed is the erection of a close boarded fence with weather boards and concrete posts along boundary to the front and side abutting public highway and to western boundary.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the description of development varies between the documents submitted for the purposes of this appeal, I have used the description from the Council's decision notice, as this is the most accurate description of the development.
3. The appeal relates to an application for planning permission for development that has been implemented, therefore the application is retrospective, and I have determined the scheme accordingly.

### Main Issues

4. The main issues of the appeal are the effect of the development on:
  - the character and appearance of the local area; and
  - the safety of the highway.

### Reasons

#### *Character and appearance*

5. The appeal property is located on the corner of Shirehall Road with Ash Road. The fence that is the subject of this appeal has been installed on 3 sides of the property and at its highest point is just over 3 metres in height where it abuts the highway. The fence consists of vertical timber boarding above concrete gravel boards. These are retained between concrete posts that are approximately the same height as the fence. The apparent height of the

fence is exacerbated by the change in levels between the appeal property and the highway at the junction of Shirehall Road with Ash Road, where the local topography and site conditions results in a drop to the highway from the appeal site of approximately 0.6 metres

6. Given the corner location, the position of the fence on the highway boundary and its height, the fence is very prominent in street views when approaching the property from both Shirehall Road and Ash Road.
7. There is no footway adjacent to the fence on Shirehall Road and the fence sits on the highway boundary, directly adjacent to the carriageway. Combined with its height and appearance, this results in an unduly assertive presence that sits in harsh contrast with the otherwise verdant appearance and open character of Shirehall Road. On Ash Road the fence is adjacent to a narrow footway with a post-box, where its height results in it having a dominating and overbearing presence in the streetscene at this end of the road.
8. As a fence of this height and type is usually associated with commercial uses, it represents an incongruous intervention within the context of the surrounding area that is made up of predominantly detached housing and fields, where boundaries are generally defined by significantly shorter fences or hedges.

#### *Safety of the highway*

9. The height and position of the fence on the highway boundary, particularly as the carriageway is directly adjacent to the fence on Shirehall Road, results in limited visibility for cyclists and vehicles entering Ash Road from Shirehall Road from the direction of the appeal property. The same is true for cyclists, vehicles and pedestrians entering Shirehall Road from Ash Road. Similarly, the visibility along Shirehall Road of vehicles approaching from the direction of the appeal property is severely restricted for vehicles exiting the drive of the neighbouring property at 126 Shirehall Road (No.126).
10. The appellant argues that the change in levels between the highway and the appeal site means that the addition of the fence makes no difference to visibility for vehicles existing Ash Road into Shirehall Road. However, I find from my site visit that that the change in levels at the junction is not so great that it would on its own restrict the view for drivers of vehicles exiting Ash Road and would also have no effect on the views along Shirehall Road for vehicles entering Ash Road or exiting No.126 into Shirehall Road.
11. The fence is significantly above the recommended maximum height in such circumstances and does not provide for visibility splays that would allow for views of approaching vehicles. This results in restricted views of approaching vehicles, as identified above, which makes for an unsafe highway environment for pedestrians, cyclists and motorised vehicle users.
12. For the reasons given above I find that the development results in significant harm to the character and appearance of the local area and significant harm to the safety of the public highway. This is contrary to policies DP2, DP3 and DP7 of the Dartford Development Policies Plan (2017) and Sections 9 and 12 of the National Planning Policy Framework, which collectively seek to achieve well-designed places and safe and sustainable transport.

13. Although Dartford Borough Council refers to policies M1, M11 M16 and M17 of emerging Dartford Local Plan, this is currently being examined and I have only limited information on whether there are outstanding representations on some of these policies and no information on the nature of these outstanding representations where there are any. I have therefore given them only moderate weight in my consideration of this appeal and have relied on the policies in the existing adopted Dartford Development Policies Plan (2017) as detailed above.

**Conclusion**

14. For the reasons given above, the appeal is dismissed.

*Victor Callister*

INSPECTOR