



---

## 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: 11th August 2022**

---

**Appeal Ref: APP/T2215/D/22/3298137**

**25 Parsonage Lane, Sutton At Hone DA4 9HD**

- 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 Jason Edwards against the decision of Dartford Borough Council.
  - The application Ref DA/21/01570/FUL, dated 11 October 2021, was refused by notice dated 18 February 2022
  - The development is the erection of boundary fence and gate.
- 

### Decision

1. The appeal is dismissed.

### Procedural 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 and has been used by the appellant for their appeal statement.
3. The appeal relates to an application for planning permission for development that has been implemented, therefore the application is retrospective. I have determined the scheme accordingly.
4. In their decision notice Dartford Borough Council refers to policies M1, M5, M6, M16 and M17 of the emerging Dartford Local Plan (the emerging DLP) that is currently being examined. As the emerging plan is at this stage I cannot afford these emerging policies full weight, and I have also afforded weight according to whether there are outstanding representations on these emerging policies.

### Main Issues

5. The main issues of the appeal are the effect of the proposed development on:
  - the character and appearance of the local area and the setting of a Grade II Listed wall; and
  - the effective use and safety of the highway.

## Reasons

### *The character and appearance of the local area and the setting of a Grade II Listed wall*

6. The appeal property is located at the junction of Parsonage Lane with Keith Avenue and is a corner plot occupied by a large, detached bungalow. The fence and gate that is the subject of this appeal has been attached to a pre-existing brick wall where the property abuts the public highway. The fence and gate have a maximum terminal height of approximately 2.23 metres. The fence and gate consist of dark, almost black, horizontal panels contained between bright metallic uprights
7. In the area of the appeal property, Parsonage Lane is bounded on one side by an area of housing comprising detached bungalows facing Parsonage Lane and semi-detached houses fronting Keith Lane. On its other side Parsonage Lane is bounded by a Grade II listed wall associated with the enclosure of land relating to Brook House, which was originally the enclosing wall of Sutton Place, a long demolished Tudor manor.
8. The Grade II listed wall of Brook House is a heritage asset to which I have a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building.
9. The listed wall is a significant feature of Parsonage Lane, where the presence of this historic substantial and architecturally detailed red brick wall represents a prominent and defining part of the character and appearance of the lane and local area.
10. The height of the fence and gate that are the subject of this appeal does not reflect the generally significantly shorter boundary treatments to be found surrounding domestic properties in the local area of housing. Given the corner location, the fence and gate are prominently positioned in views along both Parsonage Lane and Keith Lane. Within which views, the height of the fence and gate appear as excessive.
11. This excessive height, in combination with its black and metallic materials and finishes, results in an appearance that would normally be expected in association with commercial uses. The fence and gate, therefore, sit in high contrast with the country lane character and appearance of Parsonage Lane and the residential character and appearance of Keith Lane. The fence and gate, therefore, appear as incongruous within their local context and have an unduly dominating presence in the street scene, causing significant harm to the character and appearance of the local area. This is contrary to Policy DP2 of the DDPP to which I have given full weight and policy M1 of the emerging DLP to which I have afforded limited weight. Collectively these policies seek to achieve well designed places.
12. The fence and gate are seen in views of the Grade II Listed wall from along a significant length of Parsonage Lane and in views of the wall from Keith Lane. Given the height and appearance of the fence and gate, as detailed above, they appear as unduly prominent features in the street scene that forms the setting of the listed wall. The fence and gate are not, therefore, a

sympathetic and high quality form of development that would, by encroachment on its setting and through its incongruous form and appearance, impact on the setting of the listed boundary wall of Brook House.

13. The gate and fence, due to their incongruous and dominating appearance, cause harm to the setting of the Grade II listed wall. I therefore find that the proposed development would be contrary to policies DP12 and DP13 of the DDPP to which I have afforded full weight and policies M5 and M6 of the emerging DLP to which I have afforded limited weight. These collectively seek to ensure that development has due regard to the importance of preserving or enhancing heritage assets.

*The effective use and safety of the highway*

14. The council has raised concerns regarding the height of the fence and gate affecting visibility for vehicles navigating the junction of Keith Lane with Parsonage Lane and accessing the appeal property. The fence and gate only increase the height relative to the existing wall, which is already in excess of the 1.05m above the height given as guidance for such circumstances in the Manual for Streets. The fence and gate are set back from the carriageway behind a footway on Keith Lane and a footway and grassed area on Parsonage Lane.
15. From my site visit it was clear that, despite the height of the fence, it would not limit visibility to any greater degree than that of the wall alone. I also find that the set back of the fence and gate from the carriageway, on both lanes, allows for an adequate visibility for vehicles navigating the junction of the 40mph limited Parsonage Lane and the 30mph limited Keith Lane.
16. However, the gate is located on the corner of the appeal property and opens directly onto the junction of Parsonage Lane with Keith Lane, without allowing for a setback for waiting vehicles. When closed this results in a vehicle, approaching the gate to gain access, having to wait in the junction area, which could include the footway. Although the gate is automated, there is still a significant risk of this wait happening.
17. This wait in the junction area causes other passing vehicles, or those navigating the junction, waiting behind or manoeuvring around vehicles waiting for the gate to open. Not only does this interfere with the operation of the junction, resulting in an ineffective use of the highway intended for free movement, but also results in an unsafe highway condition for motor vehicles, cycles and pedestrians.
18. For these reasons the gate and fence result in significant harm to the effective use and safety of the highway, which is contrary to policies DP3 and DP4 of the DDPP to which I have afforded full weight and policies M16 and M17 of the emerging DLP to which I have afforded limited weight. These collectively seek to ensure safe and sustainable transport.

**Conclusion**

19. No public benefits of the development have been identified and I must give considerable importance and weight to the less than substantial harm to the heritage asset, and in addition significant weight to the effect I have

identified on the character and appearance of the local area and the effective use and safety of the highway. As there are no benefits that outweigh the harm I have identified, I consider that the appeal should be dismissed.

*Victor Callister*

INSPECTOR