



Appeal Decision

Site visit made on 4 October 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/E2205/W/22/3297768

2 Blossom Lane, Ashford TN25 4GE

- 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 Stuart Oliver against the decision of Ashford Borough Council.
 - The application Ref 21/01866/AS, dated 20 October 2021, was refused by notice dated 29 March 2022.
 - The development proposed is described as: 'The applicant currently has a large amount of amenity land along the side of the house / garden. He wishes to obtain change of use to this land into residential garden and erect a timber fence to replace the existing picket fence. The existing 500mm strip between the back of footpath and fence is to remain along with all planting.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A modified description of development was used on the decision notice. However, I am unclear whether this was agreed by the applicant. Therefore, in the banner heading above I have used the description of proposed development as it was originally provided on the application form.
3. The current use of the appeal site is described in the application as amenity land and the decision notice confirms that the proposed development was considered by the Council to include change of use from amenity land to residential garden. I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the street scene, having regard to both the proposed fence and the associated change of use.

Reasons

5. The appeal site is a parcel of land to the side of a corner property in a modern estate of similar dwellings. It adjoins a larger open space surrounded by dwellings, at the corner of Blossom Lane and Hazel Heights. The open space is laid to grass, planted with small trees and provides an attractive focal point.
6. In this part of the estate, many of the dwellings have open plan front gardens, with no boundary treatment along the roadside. Others are enclosed by a variety of low fences, railings, hedges and shrubs. Typically, means of enclosure along Blossom Lane and around the open space are modest in

- height, incorporating well maintained planting which does not obstruct views of the dwellings.
7. The rear garden of the existing dwelling is enclosed by a brick wall, set back from Blossom Lane and high enough to screen the garden from public view. Lying between this garden wall and Blossom Lane, the appeal site is currently laid to grass, surrounded by a low picket fence and planted with two small street trees. It is one of a number of small parcels of amenity land which contribute to the open, green road frontages.
 8. In this location, a fence of the design and height proposed would be a conspicuous feature, not typical of the existing street scene. It would be visible along Blossom Lane in both directions and from most of the adjacent open space. Being a taller and more solid structure, it would introduce a significantly greater sense of enclosure, as well as reducing the extent of landscaped frontage. This would diminish the open, green character of the street scene to a harmful degree.
 9. Although the plans indicate that the proposed fence would be set behind existing planting, no such planting was present at the time of my site visit. There were existing shrubs further along the site frontage, but the run of bushes indicated to be retained alongside the proposed fence was no longer in situ. In any event, planting alongside the fence would either be at a low height, such that the upper part of the fence would remain visually intrusive, or of greater height, such that it would contribute to an even greater sense of enclosure. Neither would be consistent with the established character of the street scene.
 10. While the proposed change of use to residential garden could potentially be implemented separately from the proposed fence, the two are closely related. Use of the land as part of the residential curtilage could lead to the introduction of features such as parked vehicles, play equipment or other domestic paraphernalia. These could also be intrusive in the street scene and would be a departure from the established layout, in which more private garden areas suitable for a range of domestic activities are screened from public view. As such, use of the land as part of the residential garden would be potentially harmful to the character of the street scene, in a manner which could not realistically be controlled.
 11. My attention has been drawn to other close boarded fences of similar height which have been permitted in the surrounding area. However, such means of enclosure are few and far between and are not typical of the overall street scene. Furthermore, the examples referred to me at Nos. 9 and 42 Forest Avenue are not within the section of Blossom Lane affected by the appeal proposal. Therefore, the presence of a minority of similar fences elsewhere in the estate does not change my view of the harm which would arise from this specific development.
 12. I conclude that the proposed development would harm the character and appearance of the street scene, with such harm arising as a result of both the proposed fence and the associated change of use. It would conflict with Policies SP1 and SP6 of the Ashford Local Plan 2030, adopted February 2019 and relevant paragraphs in the National Planning Policy Framework July 2021. These policies, amongst other things, require that development must be of high quality design and demonstrate careful consideration of, and a positive

response to, design criteria including character, distinctiveness and sense of place.

Other Matters

13. While I have noted that no third party objections have been expressed, absence of objection does not outweigh the harm identified to the character of the area, as set out above.

Conclusion

14. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR