



Appeal Decision

Site visit made on 22 February 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/U2235/D/22/3307681

Carlyon, Gravelly Bottom Road, Kingswood, Maidstone ME17 3NU

- 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 & Mrs McDonald against the decision of Maidstone Borough Council.
 - The application ref. 22/501603/FULL, dated 19 March 2022, was refused by notice dated 12 July 2022.
 - The proposed development is for a 1.8m high close boarded fence along the front boundary of the site.
-

Decision

1. The appeal is allowed and planning permission is granted for a 1.8m high close boarded fence along the front boundary of the site at Carlyon, Gravelly Bottom Road, Kingswood, Maidstone ME17 3NU in accordance with the terms of the application ref. 22/501603/FULL, dated 19 March 2022, and the plans submitted with it (block plan, site location plan, fence elevations and sections plan) subject to the following condition:

1) Unless within 3 months of the date of this decision a landscaping scheme and details of mammal access holes are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 3 months of the local planning authority's approval, the development shall be removed.

The landscaping works and mammal access holes shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme and mammal access holes shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased, shall be replaced by those of a similar size and species to those originally planted; and any fence panels that are removed and contain mammal access holes shall be replaced with panels containing similar holes.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matter

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issue

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

Reasons

4. The appeal site relates to a detached bungalow on Gravelly Bottom Road in a row of other residential properties. The surrounding area broadly comprises extensive swathes of mature woodland and open countryside.
5. I observed that front boundary treatments along Gravelly Bottom Road are generally sylvan in nature, comprising mature hedgerows and trees. Where close boarded fences exist, for example to the front of Ulverscroft to the west, they are set back into their respective plots and are partially concealed by mature vegetation adjacent to the public highway.
6. The fencing the subject of this appeal appears very prominent within the context of the semi-rural environment. Spanning much of the width of the site, it has a harsh, urbanising effect that is out of keeping with the locality. Nevertheless, its separation from the highway broadly reflects the position of the front boundary fence of Ulverscroft. Consequently, I am satisfied that there is sufficient space for soft landscaping to be planted such that the individual specimens would be able to establish and mature to screen the development in a manner similar to the adjacent land.
7. I also sympathise with the appellants' desire to protect their site and to prevent conflict between pedestrians and their dogs. Subject to an appropriate soft landscaping scheme, boundary treatment of this nature would hopefully achieve the necessary security and peace of mind.
8. I therefore conclude that the proposal would assimilate with the character and appearance of the surrounding area. It would meet Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan October 2017 and the Council's Residential Extensions Guidelines Supplementary Planning Document (2009), which collectively seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. As the development has already been carried out, it is not necessary or possible to impose the standard plans condition, although I have listed the application plans in my decision so it is clear what was submitted.
10. A condition requiring the submission of a landscaping scheme and mammal access holes is necessary to ensure that the proposal integrates with the surrounding area and permits the movement of terrestrial species through the site, in the interests of connectivity with the nearby ancient woodland. With this condition in place I do not consider that staining of the fence panels would be necessary.

Conclusion

11. Having regard to the above and all other matters put forward, I conclude that the appeal should be allowed.

C Hall

INSPECTOR