
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: 20th March 2023

Appeal Ref: APP/U2235/W/22/3300012

4 Tall Trees Close, Kingswood, Maidstone, Kent ME17 3PT

- 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 Stephen Bontoft against the decision of Maidstone Borough Council.
 - The application ref. 22/500896/FULL, dated 14 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is the change of use of land to residential garden, erection of a 1.9m close board fence and demolition of existing 1.9m brick boundary wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description from the Council's decision notice as it better reflects the proposal.
3. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issue

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

Reasons

5. The appeal site consists of a detached, two-storey house on a cul-de-sac of other dwellings of broadly similar size and design. The end of the rear garden adjoins Laurel Grove, where there is a large turning circle and on-street parking area.
 6. Much of Laurel Grove is open plan. Any front boundary treatments that are present along this stretch of the public highway generally comprise of mature shrubs and hedgerows, which contribute positively to the street scene and give the neighbourhood a pleasant suburban feel.
 7. In contrast, the appeal development is of a solid appearance, spanning the entire width of the plot at the back, and clearly visible from the public domain and the front gardens of other properties. I consider that the fencing panels introduce harsh and urbanising features to the street scene, and appear incongruous within the context of the locality.
-

8. Being in close proximity to the public highway, there is little space for vegetation in front to soften or screen the fencing. The soil strip that is present is very narrow, and to my mind would not allow for adequate planting to establish and mature such that it would soften or screen the fencing. I am also of the opinion that the discordant appearance of the proposal would not be ameliorated through staining of the panels.
9. I appreciate that the appellant has tried to tidy the site and cleared any rubbish that may have been dumped there. I also recognise that the scheme would improve security and privacy, the topography of the land has not been the subject of alteration, and the appeal site and neighbouring land are not designated for their biodiversity or heritage importance.. However, these matters do not outweigh the harm that I have identified above.
10. I observed on my site visit that there are other close board fences in the wider residential estate. However, I am not aware of the circumstances surrounding the installation of these fences. In any event, other boundary treatments would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
11. I consider that the proposal results in harm to the character and appearance of the area. It conflicts with Policies SP17, DM1, DM3 and DM30 of the Maidstone Borough Local Plan October 2017, which seek to ensure new development is of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Conclusion

12. Having regard to the above and all other issues raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR