



Appeal Decision

Site visit made on 30 May 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/H2265/D/23/3314735

40 Riding Lane, Hildenborough TN11 9HY

- 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 Ben Gould, against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/01946/FL, dated 4 September 2022, was refused by notice dated 28 October 2022.
 - The development proposed is described on the application form as "Proposal to replace dying hedgerow and trellis fence along side boundary of property with a new closed boarded fence, matching other existing fencing at the property and providing privacy to the back garden".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the streetscene and the character and appearance of the locality.

Reasons

3. The appeal concerns a dwelling located at the corner of Riding Lane and Mount Pleasant. The latter has an urban character due to matters such as the density of housing and the number of cars parked on the carriageway. However, despite this, in the vicinity of the host dwelling, Mount Pleasant has an attractive verdant character deriving from the fairly extensive hedges along both sides of the street. The hedge alongside part of the appeal site facing Mount Pleasant contributes to this character. In this context, the new fence, replacing this hedge, would be an unduly harsh and stark feature. It would also be unacceptably out of keeping with the predominant character and nature of boundary treatments in the vicinity.
4. There is currently a fence that encloses part of the curtilage of the host dwelling from Mount Pleasant. This extends across the side of the house itself and fairly modestly beyond. This is set back to a degree from the street and there is a relatively modest amount of vegetation to the front but most of it is clearly visible from the street. The new fence would project appreciably further to the east, enclosing the rear garden. It would also abut the pavement so that there would be no space for any planting to the front of it. Rather than justifying the proposal, the existing fence shows the adverse effect such

development can have and is itself a relatively unusual feature in the street. To permit the new fence would result in an especially lengthy overall section of fencing. Although unacceptable in itself, the proposal would reinforce and exacerbate the unsympathetic visual impact of the existing fence.

5. The Appellant refers to a fence in Noble Tree Lane. However, this is a separate road and has no effect on the character and streetscene in Mount Pleasant in the vicinity of the appeal site. Nearby fences in the same street that are readily visible from it tend to be perpendicular to the pavement or noticeably further back from the street than that which would result in this case. In consequence, the proposed fence would be significantly more prominent in the streetscene. These other fences therefore lend no significant support to the appeal.
6. For the above reasons, it is concluded that the development would harm the streetscene and the character and appearance of the locality. Core Strategy 2007, Policy CP24 and Managing Development and the Environment 2010, Policy SQ1, taken together and, among other things, intend that development should be of a high quality and respect the site and surroundings while protecting local distinctiveness. The failure to meet these aims means that there would be conflict with these policies.
7. In the National Planning Policy Framework it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
8. I saw at my site visit that the existing hedge is relatively dense and tall so that it gives a fairly high standard of privacy. At my visit I was unable to see any significant problems with rubbish in the hedge and have no other evidence in relation to this matter. This feature could die or be removed but these possibilities are not sound reasons for allowing the appeal given the detrimental effects that would result from the new fence.
9. Moreover, even if a fence could be erected a metre back from the pavement without the need for planning permission this would not justify accepting the current proposal. The set back fence, even in the absence of the hedge, would be less intrusive than that now proposed which would have no gap to the pavement. Accepting the proposal would not, therefore, prevent the possibility of a more damaging development being implemented.
10. I note that there are no objections from the Parish Council or local residents, as well as the absence of any concerns in relation to highway safety. However, these matters do not, in themselves, confer acceptability on the proposal.
11. It is concluded that there are no other considerations, including all other matters raised, that would justify accepting the development. Given the harm that would arise, it is determined that the appeal fails. In reaching this decision I have carefully considered the photographs submitted by the Appellant.

M Evans

INSPECTOR