
Appeal Decision

Site visit made on 25 May 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/Z2260/D/23/3316688

5 Rosemary Avenue, Broadstairs, Kent CT10 2ES

- 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 Ms Linda Jarrett against the decision of Thanet District Council.
 - The application Ref FH/TH/22/1290, dated 21 September 2022, was refused by notice dated 19 December 2022.
 - The proposed development is to repair block wall and replace rotten/non existent fencing to boundary walls.
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Decision

1. The appeal is dismissed.

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 Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site relates to a detached chalet bungalow on Rosemary Avenue with off-street parking to the front. The immediate vicinity is predominantly residential in nature, and comprises mainly two-storey detached and semi-detached houses.
 5. In general, front boundary treatments along Rosemary Avenue are low level in nature, comprising brick walls, fencing, mature hedgerows and trees. There are other tall solid boundary treatments in the vicinity, for example near the junction with Brassey Avenue, however these serve to enclose the side garden areas of their respective properties; they are the exception within the street scene rather than the rule.
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6. The new boundary fence and gates are particularly prominent within the context of the vicinity, being situated on the outside of a bend in the highway and visible from a considerable distance when approaching along Rosemary Avenue in a broadly north-easterly direction. The scheme is of a solid appearance and spans a significant proportion of the site frontage.
7. Abutting the public footpath of Rosemary Avenue, there is no space for planting to the fore to soften or screen the development. In my view, the gates and fence introduce harsh and urbanising features to the street scene, and appear incongruous within the context of the vicinity. I do not consider that the discordant nature of the proposals could be softened through painting or staining.
8. I sympathise with the appellant's personal circumstances and note that the scheme would improve safety and security from the adjacent alleyway. I also recognise that the site does not fall within a conservation area, does not comprise a designated heritage asset, and is not covered by any other landscape designations. However, these matters do not counterbalance the harm that I have identified above.
9. I am aware that a boundary fence up to a height of 1 metre could be constructed without the need for express planning permission, nevertheless to my mind this fallback position does not justify the height and extent of the development before me.
10. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policy QD02 of the Thanet District Council Local Plan July 2020, which seeks to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Highway safety

11. The Council argues that appropriate pedestrian visibility splays would not be achieved at the site's entrance with the fencing, and as such there will be limited visibility towards Brassey Avenue which could impact highway safety to both pedestrians and vehicles. I acknowledge that a vehicle emerging from the site with the driver having restricted views of footway users is an obvious safety hazard.
12. However, that prospect would be little different to the current accesses to other properties in the surrounds. Given the infrequency and short duration of such manoeuvres, the low speeds involved and the width of the footway outside the appeal property, I consider that the safety of pedestrians would not be unduly compromised in this particular instance. Furthermore, there is no evidence that any incidents involving vehicles and pedestrians have been recently reported in the locale.
13. I therefore conclude that the scheme does not cause an adverse effect on highway safety. It is consistent with the advice the Framework, which seeks to ensure that development does not have an unacceptable impact on highway conditions.

Conclusion

14. Having regard to the above and all other matters raised, the appeal is dismissed.

C Hall

INSPECTOR