



Appeal Decision

Site visit made on 22 June 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/U2235/W/22/3311319

21 Padsole Lane, Maidstone, Kent ME15 6ED

- 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 H Bridgland against the decision of Maidstone Borough Council.
 - The application ref. 22/504209/FULL, dated 26 August 2022, was refused by notice dated 20 October 2022.
 - The proposed development is for the erection of security fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I saw that development has been implemented on an alternative scheme; I have dealt with the appeal separately on its merits.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the site and surrounds, including the setting of the Listed Buildings at 11-14 Romney Place.

Reasons

4. Located close to Maidstone Town Centre, the appeal site is prominently situated near the junction between Padsole Lane and Romney Place. The local area is largely mixed in nature, with commercial and residential uses evident.
5. The proposed fencing would extend along the north boundary of the site, with smaller returns on facing east and south. It would appear as a very industrial, stark and obtrusive feature, made more significant by its height at approximately 2.95m for as large section of the north boundary.
6. Further, given the relatively narrow width of Padsole Lane outside the appeal site, it would also contribute to a sense of oppressiveness. In this corner location, it would be clearly visible and prominent when viewed from the street scene, and in the context of the adjacent terrace of Listed Buildings at 11-14 Romney Place. It would thus not represent good design and would be detrimental to the character and appearance of the area, as well as the setting and significance of the nearby heritage asset.

7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. Paragraph 200 of the Framework goes on and states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the Listed Building
9. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Listed Building, importance and weight must be attached to the harm identified. I appreciate that the proposal would prevent unauthorised access to the site and improve security in general, but these benefits do not outweigh the harm outlined previously. Moreover, I have not been presented with evidence that other security fencing or security measures have been explored by the appellant.
10. I acknowledge that the host building within the appeal site is of a commercial nature with a factory profile, and that the palisade fencing would be see-through in nature and could be painted. However, I do not consider that these matters would outweigh the detriment identified above. I also observed that the local urban grain presents a variety of boundary treatments, still these have a less industrial appearance than that proposed and do not negatively impact upon the overall visual aesthetic of the vicinity.
11. I consider that the proposal would result in harm to the character and appearance of the site and surrounds, including the setting of the Listed Buildings at 11-14 Romney Place. It would be contrary to Policies SP4, SP18, DM1 and DM4 of the Maidstone Borough Local Plan October 2017, which seek to ensure development is of an acceptable scale and design and protects the quality of the historic environment. It would also be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Conclusion

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

C Hall

INSPECTOR