



Appeal Decision

Site visit made on 26 July 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/T2215/D/23/3321363

45 Hanbury Walk, Bexley, Kent DA5 2JQ

- 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 Harry McMahon against the decision of Dartford Borough Council.
 - The application Ref DA/22/01062/COU, dated 12 July 2022, was refused by notice dated 4 November 2022.
 - The proposed development is for the erection of a fence to convert amenity land to dwelling house residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.
3. The Council refers to policies of the Emerging Dartford Local Plan. This is currently at the examination stage, and has not yet been adopted by the Council as part of its development plan. Accordingly, I can only give such policies limited weight in the decision-making process.

Main Issue

4. The main issue is the effect of the development having regard to the character and appearance of the surrounding area.

Reasons

5. The appeal site relates to a piece of land directly to the side of 45 Hanbury Walk, and comprises an area of amenity grass in a prominent location. Elsewhere in the immediate locality, I observed that similar grassed areas provide soft visual breaks between the public footpath and the boundary walls that separate the private curtilages of properties from the public domain.
6. The proposal results in an increased sense of enclosure beyond the side of the dwelling. The introduction of the substantial new boundary fence has altered the character of the neighbourhood, and significantly reduced the openness of the area of amenity grassland. Consequently, the amount of fencing and the extent of encroachment into the open space is visually obtrusive when viewed along Hanbury Walk.

7. I sympathise with the appellant's frustration having regard to the Council's handling of the application and communication on this matter. I also recognise that there are other boundary treatments enclosing similar amenity areas in the immediate vicinity, however where these exist they are lower than the appeal scheme, and most do not have the same solid appearance. In any event, development at other houses would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
8. I conclude that the scheme would result in harm to the character and appearance of the area. It would be in conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan (July 2017), which aim to secure new development of acceptable scale and appearance.

Conclusion

9. With respect to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR