



Appeal Decision

Site visit made on 22 November 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/K2230/D/23/3328299

1 Cheyne Walk, Meopham, Gravesend, Kent DA13 0PF

- 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 Maguire against the decision of Gravesend Borough Council.
 - The application 20230383, dated 14 April 2023, was refused by notice dated 14 June 2023.
 - The development proposed is the erection of new wall to boundary facing Whitehill Road.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property comprises a detached chalet bungalow on the corner of Cheyne Walk where it meets Whitehill Road. It is set up above the level of the latter so that there is a grass bank within the ownership of the property and adjoining a path along Whitehill Road, which increases in height towards the end of the rear garden because the road starts to go downhill at this point. An irregular shaped grass verge exists between the path and the road. A wooden fence of approximately 1.8 metres high presently runs along the side boundary of the property's rear garden but at the top of the bank. On the Whitehill Road side of this and on the bank itself, are three semi mature trees.
4. Although the character of Cheyne Walk is somewhat suburban with properties set back behind open front gardens, the character along Whitehill Road has a distinctly rural feel as it goes southwards beyond the junction with generally low front boundary walls with mature trees and vegetation on both sides of the road, including alongside the appeal site.
5. The proposal involves re siting the existing boundary enclosure to the bottom of the bank so that it would adjoin the path running alongside. The trees would have to be removed as a result. A brick wall, with fencing on top between brick piers, would be erected to replace the existing fence, which would be a maximum height of 3.92 metres at its south eastern end where the

- bank is at its highest, and would be 11.87 metres in length. The new boundary treatment would enclose a decked area within the rear garden.
6. The appellant points out that only a small area of land would be lost and that the open aspect of the neighbouring land would be preserved. It is also argued that the materials would be consistent with the urban grain of the local townscape and that the brickwork would match that of the host dwelling. Additionally, it is argued that the distinctiveness of the locality would be preserved and the visual function and purpose of the open grass verge maintained.
 7. However, in my view, the height and extent of the new boundary treatment would be visually prominent when looking south along Whitehill Road, because of the open nature of the junction. Together with the loss of the trees on the bank, it would introduce an incongruous and harsh urban element which would be at odds with the comparatively rural feel of Whitehill Road beyond that point. The front boundary walls that do exist beyond the junction in a southerly direction are significantly lower than the appeal proposal. I do not consider that the proposed climbing plants on the outside of the new boundary enclosure or the use of matching materials, would adequately mitigate that harm. The harm would be less when approaching the site from the south along Whitehill Road because of the mature trees which exist to screen the existing side boundary of the appellant's property. However, that does not override the harm from the other direction.
 8. The appellant has advanced a number of personal reasons in support of the proposed new wall/fence, including providing more space for grandchildren within the extended garden, the bank encourages litter as it is beyond the existing fence line, the existing trees may entangle nearby electricity cables, and the fact that no objections were received from neighbours. However, none of these factors are sufficient either individually or cumulatively to override the visual harm that would be caused.
 9. I note that concerns have also been raised by the Council in respect of loss of biodiversity and that no mitigation has been put forward. Had I been minded to allow the appeal, I am satisfied that in this instance, a condition could have dealt with that issue.
 10. For the reasons set out there would be visual harm to the character and appearance of the area. The proposed development would therefore be contrary to Policy CS19 of the Council's Local Plan Core Strategy 2014 in that the development would not be visually attractive and would not enhance the character of the area.
 11. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR