



Appeal Decision

Site visit made on 26 June 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Appeal Ref: APP/U2235/W/24/3336937

Clubhouse, 18 Genn Park, Boughton Monchelsea, Kent ME17 4XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Jarrett of Clarendon Homes against the decision of Maidstone Borough Council.
 - The application Ref is 23/504927/FULL.
 - The development proposed is gates to residential development.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development from the appeal form to omit reference to the proposal being retrospective, as this is not an act of development.
3. The Maidstone Borough Local Plan Review 2021-38 (the LPR) was adopted 20 March 2024. Consequently, Policies DM1, DM30, and SP17 of the Maidstone Borough Local Plan, listed within the Authority's reasons for refusal, have been superseded. Accordingly, I have made my assessment against the relevant policies of the LPR, including Policies LPRSP9 Development in the Countryside, LPRSP15 Principles of good design, and LPRQD4 Design principles in the countryside. Both parties have had the opportunity to comment on the relevant policies as part of the appeal process.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area, and;
 - Whether the development promotes acceptable social interaction.

Reasons

Character and appearance

5. The appeal development comprises gates and piers across the entrance to Genn Park, a residential development accessed from Church Street via a broad, straight, and uncluttered vehicular and pedestrian access.
6. In the main, Church Street is characterised by front fences, walls and gates no taller than one metre. Due to their low height and intermittent coverage, front

enclosures do not serve to protect from intrusion in any robust, physical way. As a result, they combine to create an open and inviting feel, consistent throughout the area, and especially noticeable near the appeal site.

7. The open layout of the access creates a clear, two-directional line of sight between the first homes in Genn Park and Church Street. There are no signs that access is restricted, and the pedestrian footpath into Genn Park dovetails with the pavement on Church Street in a relatively seamless junction. This creates a welcoming feel to Genn Park which, despite being set a significant distance behind buildings on Church Street, appears as part of, and connected to, the local area rather than distinct or separate from it.
8. Nonetheless, together with this layout, the height of the gates and the stark visual contrast between their black metal and the light bricks used in the construction of the piers and the houses in Genn Park, means they are clearly visible from Church Street.
9. The gates and piers are significantly taller than typical front enclosures nearby and provide a comprehensive barrier to entry when closed. As a result, the development creates a stern, forceful and defensive feel to the access to Genn Park, significantly out of step with the informal, welcoming feel of Church Street. The appeal development is incongruous in that respect and harms the open character and appearance of the area as a result.
10. I appreciate that there are a small number of tall enclosures fairly close by, including gates at Bramley House and a small number of other tall enclosures around the junction between Church Street and Haste Hill Road. These are limited in number and far enough from the appeal site not to affect the open feel of the area around it.
11. I have had regard to the other approved schemes that I have been referred to. However, I note that there are clear material differences between the proposal and the individual circumstances surrounding these. The gates at the Oast Cottage, Willington Lodge, Pinelodge Cottage, and the Elms serve individual properties rather than interrupting what would otherwise be an open, continuous roadway linking a development of several houses to the wider area and are in a very different context to the appeal scheme, therefore.
12. Whilst the cited gates at Malling Terrace and Papermaker Arms appear to enclose housing developments the former, if it was approved by the Council in the form presented, was allowed some 20 years ago whilst the latter is positioned at the end of a far more enclosed, narrow access between two storey flank walls of adjacent houses. On the evidence, the circumstances surrounding the cited examples are materially different to the appeal site, therefore. I have determined the appeal on the specific circumstances of the site.
13. Overall, the appeal development is harmfully and unacceptably at odds with the character and appearance of the local area, contrary to Policies LPRSP9, LPRSP15 and LPRQD4 of the LPR where they require designs to respond positively to, and where possible enhance, local distinctiveness and character, as well as to the similar aims of the Boughton Monchelsea Neighbourhood Plan 2021 and of the National Planning Policy Framework (the Framework).

Social interaction

14. The piers and gates are a stark indicator that access to the homes beyond is restricted, and that occupiers in Genn Park, notwithstanding the extent to which they have integrated into the surrounding community through joining local groups, nevertheless retain the option to segregate themselves. The implication is that the gates discourage social interaction even if they are open throughout the day.
15. When closed, the gates present a significant physical barrier preventing neighbours from calling on residents in Genn Park for impromptu social reasons, to offer help if it appears it may be required, or to seek it. In these ways, and whether open or closed, the gates are a harmful psychological and physical impediment to social interaction and cohesion.
16. I acknowledge that the area around the appeal site contains many gates, including some 62 examples provided by the appellant in their statement. In most cases these are simple, low front garden or driveway gates of a type that pedestrians are used to opening to call at a house so they do not prevent access to anything like the same extent. Moreover, the cited examples generally separate individual homes from the highway rather than whole residential developments from the surrounding local area. In these ways, the examples are very different in appearance, purpose, and effect to the appeal development, and I have attached little weight to them, therefore.
17. I acknowledge that some fences in Genn Park are shorter than typical rear garden fences and residents therein may have health conditions that make them more susceptible to antisocial behaviour and/or crime. The gates may also provide residents with peace of mind and increased security and, thereby, reduce the fear associated with crime and antisocial behaviour. Nevertheless, there is no substantive evidence before me to suggest that other security deterrents have been explored or would not be as equally effective as the gates.
18. Overall, the development causes unacceptable harm to social interaction in the local area. Hence, it conflicts with Policies LPRSP15 and LPRQD4 of the LPR where they require high quality designs and layouts accessible to all, with maximal opportunities for permeability and linkages to the surrounding area, as well as to the similar aims of the National Design Guide; and to the aim within Paragraph 96 of the Framework of achieving places that promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

Other Matters

19. I acknowledge the prospect, raised by the appellant, that a means of enclosure comparable to the appeal development might lawfully be erected using permitted development rights. On the evidence before me, the gates are adjacent to a highway used by vehicular traffic and so any replacement erected using permitted development rights could be no taller than one metre, and would have very different planning merits as a result. Accordingly, I do not consider there to be a greater than theoretical prospect of comparable gates being erected using permitted development rights, and it has not been a factor in my determination, therefore.

20. I appreciate that the gates are built to a good standard using high-quality materials, in a manner that permits safe vehicle movements without directly impacting upon the amenities of neighbouring dwellings. Nevertheless, these features do not mitigate the harm I have identified above.
21. I appreciate the clear and consistent feeling amongst residents in Genn Park that the appeal should be allowed, but I am bound by law to assess the development against adopted planning policies and have found it to conflict with them in the ways set out above.
22. I acknowledge that residents of Genn Park may have bought their homes on the understanding that the estate would be gated, but the basis on which homes were sold is a private issue between the parties involved, and not something that affects my assessment of the planning merits.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR