



Appeal Decision

Site visit made on 21 August 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2024

Appeal Ref: APP/T2215/W/24/3337702

1 The Close, Wilmington, Dartford, Kent DA2 7ES

- 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 Shazad Manzoor against the decision of Dartford Borough Council.
 - The application Ref is DA/23/01017FUL.
 - The development proposed was originally described as: new front and side boundary walls to enclose additional land at the front within residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.
3. The Council's decision notice refers to certain policies of the development plan and an emerging plan. Following the adoption of the Dartford Local Plan in April 2024 (DLP), the Council's submissions indicate which policies are no longer relevant to the appeal and identify the relevant policies of the newly adopted plan. I have been provided with copies of these policies. The appellant has commented on this matter within the appeal timetable. I have therefore determined the appeal in accordance with up-to-date policies.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal site (No 1) is located on the corner of The Close and High Road, and at the time of my visit, building works were taking place. I was unable to see all of the appeal site at my visit, due to the presence of hoarding. However, the evidence before me includes photographs of the appeal site, and I have taken account of these images as well as my own observations.
6. The entrance of the carriageway to The Close is framed by brick pillars, which are well set back from High Road, with adjacent boundary walling of a low height to each side. These adjoining walls run to the footway of The Close, with deep grass verge between the footway and the carriageway along The Close.

7. The detached properties at Nos 1 and 2 of The Close are located on opposite corners, separated from the footway along High Road by a very deep grass verge. The boundary facing the High Road at No 2 is a low boundary wall of a matching brick to the entrance piers, and curves towards the entrance of The Close, with hedging above. As the boundary wraps around the corner after the entrance piers, the side boundary is comprised of fencing with hedging above. The photographic evidence and my own observations indicate the same arrangement to No 1.
8. These elements combine to create a symmetrical and strongly identified frontage to The Close. The deep set back along High Road in front of Nos 1 and 2, together with the grass verges and boundary treatments form a key characteristic of that frontage and give it an open, green character. It therefore makes a positive contribution to the character and appearance of the area and the street scene. This character is reinforced by the continued use of grassed verges within The Close.
9. The proposal would result in new boundary walling erected along High Road in front of No 1, positioned such that it would leave a much smaller depth of verge. The proposed wall would have a curved arrangement towards the footway near the entrance piers to The Close and would continue along the length of the side boundary to No 1. Although a curved element would be sensitive to the layout of the entrance to The Close, the proposal would nonetheless result in the loss of considerable proportion of the deep grassed verge along High Road. This would create an unbalanced appearance to an otherwise symmetrical and open frontage.
10. The proposed wall would comprise multiple piers of about 1.7m height, with intervening wall about 1.5m high, and railings above. Insofar as it would run along the frontage of High Road and towards the entrance of The Close, the proposed design and position of the wall would not be sympathetic to the existing symmetrical arrangement of the frontage and entrance to The Close, due to the use of multiple piers and railing. In this regard, the design of the proposed wall would emphasise the unbalanced appearance that would arise from its position to include most of the verge within the curtilage of No 1. This would result in a strong sense of enclosure at a more prominent position within the street scene. The use of planting would not soften or screen these effects.
11. For the above reasons, the proposal would significantly harm the character and appearance of the area.
12. I have considered the appellant's examples of other similar boundary wall treatments within The Close and at 12a High Road, which is next door to No 1. I visited these examples, and I also saw others. I accept that these are of a similar design to the proposed boundary wall before me. However, they do not display the same spatial relationships at the appeal site, where the relationship to the entrance of The Close is a determining factor.
13. I therefore conclude that the proposal would significantly harm the character and appearance of the area. It conflicts with Policies M1 and M10 of the Dartford Local Plan 2023. Collectively, these policies seek to ensure that development is of good design that responds to, reinforces and enhances positive aspects of a locality; and retains or enhances the character, local environment and amenity of established residential areas.

Other Matters

14. I understand that the appellant purchased the land along High Road from the Council, with legal advice and an expectation of no significant restrictions. However, matters pertaining to the purchase and ownership of land are private matters, and as such they do not affect my consideration of the planning merits of the proposal. The advice and/or behaviour of the Council concerning any sale of the land is not a matter that affects my consideration of the planning merits of the proposal.
15. Although the appellant advises that the boundary wall proposed for demolition remains in situ and is leaning, there is a concern by interested parties and the Council that it may have been demolished. For the avoidance of doubt, it is not the role of an Inspector dealing with a s78 appeal to determine whether any development is lawful, nor whether any development has unlawfully commenced. I have considered the application as submitted.
16. I have considered representations made during the determination phase, and further comments made by interested parties. Many of these concerns were considered where relevant by the Council when it determined the application. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to a different conclusion to that of the Council on these matters. There is no substantive evidence to demonstrate that the proposal would adversely impact highway safety. The proposal does not affect the removal of any nearby trees, nor any parking arrangements.

Conclusion

17. The proposal conflicts with the development plan read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR