



Appeal Decision

Site visit made on 9 December 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/E2205/D/24/3349592

Shepherds Meadow, Forge Hill, Aldington, TN25 7DT

- 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 J Morrissey against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0758.
 - The development proposed is described as replacement boundary wall, fence and gate (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2023 has been replaced. Within the current National Planning Policy Framework December 2024 (the Framework) paragraphs 9, 10, 47, 131 & 135 of the Framework 2023 remain unchanged and so have not affected the consideration of this appeal. The changes to paragraphs 11d), 86 & 96 do not affect my consideration of the appeal proposal and paragraphs 38 & 47 of the 2023 Framework have been renumbered 39 & 48 respectively in the 2024 version. I confirm that in this decision I refer to the 2024 Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider locality.

Reasons

4. The appeal site is located in the countryside, within a row of individually designed dwellings on the outskirts of Aldington and which front onto Forge Hill. The dwellings have varied building lines and gaps between them and they occupy varied sized plots. The front boundaries to these dwellings include a combination of hedges; fences and low Ragstone walls of varied heights. Typically, the boundary walls, fences and hedges are set back from the carriageway behind grass verges and there are views of soft planting within the domestic gardens.
5. The opposite side of the road is less developed and includes pasture land and sporadic properties that are set back from and screened from the road by mature hedges and trees. The surrounding undulating countryside is

- characterised by clusters of woodland and a diverse range of pasture and arable land that is primarily enclosed by hedges and trees.
6. Collectively these features contribute to the informal rural character of the street scene. They also contribute to the gentle transition between the countryside and the main built-up area of Aldington.
 7. The appeal property comprises a detached family house which occupies a generous sized plot with a wide frontage. The proposed boundary wall, fence and gates have already been constructed/erected. However, the appellant has submitted a photograph which shows that previously the front boundary to the appeal property comprised a low Ragstone wall with a vertical boarded fence just behind it. The Ragstone wall projected up to the back edge of the pavement and there was a small area of grass above the wall and to the front of the fence.
 8. The front boundary of the dwelling immediately to the northeast of the appeal site comprises a vertical close boarded fence with a mature evergreen hedge immediately behind it. The fence is set back from the pavement behind a raised grass verge. The Front boundary of the property to the southwest comprises a low post and rail fence which is sited immediately behind the pavement. This fence facilitates views of soft planting and a lawn within the front garden. Closer to the village and on the opposite side of the road is a red brick building with a brick wall along its front boundary, with low metal railings above it. This building sits close to the road and the wall encloses a pedestrian access ramp.
 9. Collectively and amongst other things policies SP1, SP6 and ENV3a of the Ashford Borough Local Plan 2030 (LP), require proposals to be of a high quality design which is sustainable, safe and promotes a positive sense of place. It should respect and enhance local character and contribute positively to the public realm, landscape, townscape and local distinctiveness. LP Policy HOU15 seeks to ensure that dwellings benefit from the provision of private usable external open space.
 10. Together and amongst other things paragraphs 8 b) & c), 39, 96, 131 and 135 of the Framework, promote a positive approach to decision making and sustainable forms of development, of which good design is a key aspect. They seek to protect and enhance the built and natural environment and provide safe environments where the quality of life is not undermined by crime and the fear of crime. Proposals should be sympathetic of local character and history, including the surrounding built environment and landscape setting, whilst not preventing appropriate innovation or change.
 11. Together the proposed brick wall, brick piers and fence project up to the back edge of the pavement and as confirmed by the appellant the top of the fence is some 1.94 metres above ground level. The proposed gate comprises a wide sliding vertical boarded solid timber gate which is set behind two tall brick piers. These piers are taller than and are repeated at regular intervals between the fence panels.
 12. The proposed timber fencing is reflective of the vertical timber boarding found elsewhere along this stretch of Forge Hill. Whilst it is comparable in height to the fence at the front of Broadwater Down, it is more prominent due to its colour and siting immediately alongside the pavement. As stated by the

appellant the fencing could be stained, which would soften its appearance in the street scene. However, due to their combined use of red brick, design, uniformity, height and number, the proposed brick piers are highly prominent and imposing within the street scene. They appear harsh and totally out of keeping with their informal edge of village setting and the prevailing use of Ragstone, which is visually soft.

13. Due to its modest height, on its own the proposed low brick wall would cause minimal harm to the street scene. It none-the-less exacerbates the harsh and uncharacteristic appearance of the brick piers and the overall prominence of the proposed boundary treatment. The proposed gate is less prominent due to its siting to the rear of the wall and piers. However, due to its height, design and light colour it adds to the harm caused by the proposed boundary treatment.
14. Reference has been made to the original boundary treatment and the availability of permitted development rights. I note that the original boundary fence was lower; set back slightly from the pavement behind a Ragstone wall; and did not include brick piers. As such it was visually softer and consistent with other front boundary walls and fences along Forge Hill.
15. The original wall and fence could have been altered under Class A.1, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, this does not extend to a degree of change that amounts to a new structure. In this instance the proposed new boundary treatment is very different to the original in terms of height; the position of the fence and gate; materials; and inclusion of tall piers. Thus, even taking in to account what changes could reasonably have been made to the original fence and wall, and the availability of permitted development rights relating to the construction of a new wall or fence up to one metre in height, it does not outweigh the harm that has been caused by the proposal.
16. I understand and appreciate the appellants objective to make the property private, secure and safe. However, I find that the appeal scheme is visually insensitive and unacceptably harms the character and appearance of the street scene and the wider locality. This harm materially outweighs the benefits for the appellant and their family that would result from this particular boundary treatment. Further it is not something that could be satisfactorily dealt with by the imposition of conditions.
17. Finally, I note that the appellant has referred to paragraph 86 d) of the Framework. However, as that paragraph relates to the economy it is not directly applicable to the proposal.
18. I conclude on the main issue that the proposal would unacceptably harm the character of the street scene and the wider area. It would conflict with LP Policies SP1, SP6 & ENV3a and paragraphs 131 & 135 of the Framework.

Elizabeth Lawrence

INSPECTOR