



Appeal Decision

Site visit made on 11 June 2025

by **P H Wallace BSc (Hons) DipMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/J2210/D/25/3362420

18 Rosemary Gardens, Whitstable, Kent CT5 3PU

- 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 S Chandler against the decision of Canterbury City Council.
 - The application Ref is CA/25/00079.
 - The development proposed is erection of 1.8m high concrete-framed timber fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1.8m high concrete-framed timber fence at 18 Rosemary Gardens, Whitstable, Kent CT5 3PU in accordance with the terms of the application, Ref CA/25/0007, and the plans and details submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the block plan layout dated 17/01/25 and photograph of the proposed fence submitted 20/01/25.

Preliminary Matters

2. The application was originally described as, "Request permission to exchange an existing 3ft boundary fence to a 6ft boundary fence. For personal privacy and security purposes." While the Council modified this to, "Erection of roadside boundary fence" I consider it appropriate to include reference to the metric height and design of the fence. The appellant and Council were informed of the proposed change and invited to comment. As no contrary views were received, I have adopted the description set out in the banner heading and have determined the appeal on this basis.
3. The appellant suggests that the fence is permitted development. However, whether this is the case or not is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to the Council to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal property occupies a corner plot fronting Rosemary Gardens which is characterised by similarly designed dwellings with open frontages. Its side boundary adjoins South Street, a local access road with a more loose-knit character, featuring detached homes of diverse styles with varying front boundary treatments.
6. The development involves replacing a low-rise boundary fence along part of the property's frontage to Rosemary Gardens and its return to South Street, with a 1.8m high fence.
7. The appeal property and the dwelling opposite (No.1 Rosemary Gardens) have their main gardens positioned to the side, facing both the cul-de-sac and South Street. Although some boundary planting at the appeal property has been removed, compared to that shown in the appeal documentation, my site visit confirmed that the frontages of both gardens to the cul-de-sac have a distinct character, setting them apart from the uniformly open layouts found elsewhere in Rosemary Gardens. The overall impression is that the gardens provide a visual transition between the formally arranged open-fronted cul-de-sac properties and the more varied streetscape of South Street.
8. While the development would be visible from within Rosemary Gardens, its siting at one end of the cul-de-sac, set apart from the predominant frontage style and seen within the context of existing boundary fencing and planting, ensures it would not disrupt the cul-de-sac's otherwise strong open-fronted character.
9. Many properties fronting South Street have open or planted frontages, though fences of a similar height to the proposed development are also present, including on a corner plot further along the street. These fences blend naturally into the overall character of the area, and I find no basis for concluding the development would not do likewise. The proposed fence would be set-in slightly from the back of the footway to South Street which affirms my view on this point. I also consider that the replacement fence on the proposed alignment would be acceptable in relation to highway safety which is a concern raised by a local resident.
10. For the reasons given, I conclude that the development would not harm the character and appearance of the surrounding area. It would accord with Policy DBE3 of the Canterbury District Local Plan 2017 which requires new development to reinforce and positively contribute to the context and character of the location, and with the National Planning Policy Framework.

Conditions

11. The conditions imposed are those which have been suggested by the Council with the exception of the requirement for matching materials which fails to meet the test of precision in this context. In addition to the standard time condition, I have imposed a condition requiring that the development be carried out following the approved plan and details, for the avoidance of doubt and in the interests of certainty.

Conclusion

12. For the reasons given above I conclude the appeal should be allowed.

PH Wallace

INSPECTOR