



Appeal Decision

Site visit made on 21 October 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/M2270/D/25/3372914

41 St Lawrence Avenue, Bidborough, Tunbridge Wells, Kent TN4 0XA

- 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 Neil Patel against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 25/01314/FULL.
 - The development is Erection of fence (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the Erection of fence at 41 St Lawrence Avenue, Bidborough, Tunbridge Wells, Kent TN4 0XA in accordance with the terms of the application, Ref 25/01314/FULL, subject to the following condition:
 - 1) The development hereby permitted is as shown on the approved plan references: Location Plan; PN 2503-01 - Site Details & Floor Plans Elevations (Existing).

Preliminary Matters

2. I have adopted the description of development from the appeal form as it more concisely describes the development. In my formal decision, I have omitted the reference to 'retrospective' as this does not relate to an act of development.
3. The application form states that the development had been completed in March 2025. I observed that a fence has been erected at the frontage and I am therefore considering this appeal retrospectively. Irrespective of what has been constructed to date, I have considered the appeal based on the plans and evidence before me and any works carried out not in accordance with those plans would be a matter between the Council and appellant.

Main Issue

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

Reasons

5. The appeal site is the last in a row of dwellings on St Lawrence Avenue and lies at its corner with Darnley Drive. The area is characterised by substantial detached properties in wide garden plots, as with the appeal site. The site has a wide frontage due to its corner position and the arched shape of the highway here. The adjoining junction is broad and open, so this frontage is relatively prominent in the streetscene.

6. There is no single consistent approach to the scale and type of boundary treatments locally. Relatively tall and solid boundary treatments are, though, a consistent feature of nearby properties on Darnley Drive. Materials are varied and include timber fencing, low brick and stone walls, hedges and other vegetation, and mixtures of all of these. Moreover, there is some variation as to the precise position of boundary treatments along here.
7. Whilst the Council considers that fencing found in this part of the streetscene is lower than the height of the appeal development, I observed it to be broadly comparable in height. Examples include timber gates and fences used in the frontages of the neighbouring electricity substation and adjacent property on Darnley Drive. Additionally, the property on the opposite side of the junction has a similarly wide corner frontage that is marked by a tall timber fence. In this respect, the appeal development relates well to the appearance and scale of boundary treatments at adjoining sites and satisfactorily reflects local tradition.
8. The appeal development does not span the whole of the frontage of its plot. A clear visual break is therefore retained between it and the hedge to the adjoining property, 39 St Lawrence Avenue. At the time of my site visit, this hedge stood to a comparable height to the appeal development. Even were the height of the hedge to be altered in future, I am satisfied that an acceptable relationship would remain given this separation and the variation in boundary treatments locally.
9. I acknowledge that the appearance of the recently erected timber is somewhat stark, particularly set against the established fences. However, as the Council accepts, this will weather over time. I find the appearance to be acceptable.
10. The Council, and other interested parties, also comment that fences in this area are generally softened by hedges or foliage behind and around them when viewed from the street. At my visit, I noted several established and younger trees in the host garden, including behind the appeal development. I am satisfied that such features maintain this character.
11. Given my findings, I conclude that the appeal development has an acceptable effect on the character and appearance of the area. The development complies with the relevant provisions of Policies 4 and 5 of the Tunbridge Wells Borough Core Strategy (2010) and Policy EN1 of the Tunbridge Wells Borough Local Plan (2006). These policies, in summary, seek to ensure high quality design in developments that respect site context, including through their scale, external appearance and materials. In a similar vein, the proposal complies with corresponding provisions in Policy EN1 of the Tunbridge Wells Borough Submission Local Plan 2020-2038 (2021).

Other Matters

12. I acknowledge that interested parties have raised concerns regarding the potential effects of the development on occupiers at neighbouring sites, on biodiversity and to the High Weald National Landscape. However, there is no dispute between the Council and appellant in those respects, including that the appeal site does not lie within a National Landscape. Based on the evidence before me, I have no reason to disagree with those findings.
13. An interested party has also queried the ownership of part of the appeal site and makes reference to a public right of way. The appellant has confirmed during the

appeal process that they own the land subject to the appeal. No substantive evidence has been put to me which indicates that the appellant is not its sole owner. In any case, this is a private matter which has not affected my consideration of the main issue and on which I have found that the development does not harm the character and appearance of the area.

Conditions

14. I have not imposed the standard commencement condition as the work has already begun. The Council requested a condition which would require the development to be carried out in accordance with approved plans. This would not be appropriate as the development has already been completed. However, in the interest of certainty, I have imposed a condition specifying the approved plans for identification purposes.

Conclusion

15. For these reasons, the development accords with the development plan when read as a whole. No material considerations indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

S F Barnes

INSPECTOR