



Appeal Decision

Site visit made on 4 December 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/U2235/W/25/3372800

10 Birch Drive, Boxley, Kent ME5 8YU

- 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 Miss Sarah Benjamin against the decision of Maidstone Borough Council.
 - The application Ref is 25/501717/FULL.
 - The development proposed is change of use of amenity land to curtilage of dwelling and erection of 1500mm timber fence panels and 300mm gravel boards as shown on plans
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Birch Drive is a relatively tight-knit residential development comprising a mix of two-storey detached and terraced houses. The dwellings are set back from the highway behind grass lawns and parking areas. In addition, small wedges of planted and landscaped open space are arranged throughout the development. Although the open spaces are modest in scale, their landscaped and planted nature provides a sense of openness, and they collectively make a positive contribution to the area's overall character.
4. The appeal property occupies an end of terrace position on a corner plot. A triangular wedge of open grassed space runs alongside the property, supplemented by planting adjacent to the brick boundary wall of the garden. Whilst not particularly large or mature, the landscaping creates a softened, visually appealing edge to the property. I acknowledge that neither the host dwelling nor the surrounding area is designated as a heritage asset or identified as having specific townscape value. Nevertheless, the locality has an attractive residential character.
5. The proposal would incorporate a fence that would enclose the area of planted open space. The Council explains that this open space has been deliberately retained since the estate's original construction. While the fence would be set back from the dwelling's front elevation and positioned slightly away from the adjoining footway, its introduction would nonetheless significantly diminish the openness in this part of the estate. It would visually narrow the street and erode the sense of relief that the open space currently provides within the close-knit residential

environment. As a result, the fence would appear as a cramped and intrusive addition to the street scene.

6. Furthermore, boundary treatments projecting noticeably beyond the side elevations of dwellings are not a characteristic feature of the estate. Consequently, the proposed fence, which would introduce a hard edge closer to the pavement, would be particularly incongruous. It has been suggested that the fence would remain subordinate in scale to the dwelling itself. While this may be true, its comparatively modest height would do little to mitigate the harm identified above.
7. The Council's Residential Extensions Supplementary Planning Document (2009) (SPD) outlines that unsympathetic boundary treatment, such as close boarded fences, should be avoided on front or side boundaries facing the street. There is dispute between the main parties in relation to the final material finish of the boundary fencing. Nevertheless, regardless of its final finish, I find that the proposal would cause significant harm to the character of the area as a result of the reduction of openness and the creation of a hard edge adjacent to the adjoining pavement. In coming to this view, I have taken into consideration that local character can evolve over time.
8. Consequently, the proposal would not sympathetically respond to the existing character and appearance of the area. I therefore find that it would conflict with policies LPRSP15 and LPRHOU2 of the Maidstone Borough Local Plan Review (2024). Amongst other matters, these require proposals to respond positively and, where possible, enhance the local character of the area.
9. There would also be conflict with paragraph 135 of the Framework which requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Other Matters

10. It has been put to me that the proposal would create additional garden space for the occupiers of the dwelling which would enhance the standard of residential accommodation. Be that as it may, this matter does not outweigh the harm I have identified.

Conclusion

11. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR