



Appeal Decision

Site visit made on 20 February 2018

by **H Lock BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2018

Appeal Ref: APP/V2255/D/17/3190015

18 Lansdown Road, Sittingbourne, Kent, ME10 3AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Norrington against the decision of Swale Borough Council.
 - The application Ref. 17/502822/FULL, dated 22 May 2017, was refused by notice dated 8 September 2017.
 - The development is erection of 6ft. fence to the side and front boundaries, replacing conifers.
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Decision

1. The appeal is allowed and unconditional planning permission is granted for erection of 6ft. fence to the side and front boundaries at 18 Lansdown Road, Sittingbourne, Kent, ME10 3AY, in accordance with the terms of the application, Ref. 17/502822/FULL, dated 22 May 2017, and the plans submitted with it.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons

3. The appeal property is an end of terrace house on a residential estate. The area is interspersed with pedestrian walkways that link between roads, and such a route runs alongside the western side boundary of the appeal site, and to the rear.
4. A characteristic feature of the estate is its largely open plan front gardens; any enclosures are generally low-level. However, due to the layout of the estate it is not uncommon for rear gardens to abut footways or green verges, and these rear gardens are enclosed with higher fencing or other form of enclosure to maintain privacy. Fenced enclosures to garage blocks, next to footpaths, are also seen in the vicinity. As such, although the general concept is that of an 'open plan' estate, tall solid fencing is nevertheless a feature of the street scene.
5. The fencing the subject of this appeal is already in place, and replaced conifers. I do not doubt that the replacement of a planted boundary with fencing has changed the appearance of the site in the street scene. However, it is reasonable to expect some form of separation between the front garden and the neighbouring walkway, and when seen alongside the front gardens of the

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Appeal Decision APP/V2255/D/17/3190015

other houses in the terrace the site retains a sense of openness which is characteristic of the street scene. Given the context of the site, at the end of a terrace and next to a footpath, I do not find this form of enclosure to be unacceptable, and it does not undermine the prevailing pattern of open front gardens and low, or no, boundary treatment between front gardens.

6. Although the fencing is visible in the street scene, it is not unduly prominent, and does not appear incongruous as there is other fencing of similar height in the same vista. I note that fencing of similar height is found at other points along the 'alleyway' next to the appeal site, and this additional stretch of fencing is no more oppressive than the existing enclosures that line the route.
7. I appreciate the Council's concern that if repeated at other properties, this form of enclosure would significantly harm the character and appearance of the area. However, I note that enclosed rear gardens and garage courts nearby have a similar visual impact, and yet without weakening the sense of openness to the area. The same would apply in this case. As noted above, I have had regard to the site-specific position of the appeal site in the street scene.
8. I therefore conclude that the development is acceptable in relation to the character and appearance of the street scene, and accords with the aims of Policy DM 14 of 'Bearing Fruits 2031: The Swale Borough Local Plan' 2017, which requires, amongst other criteria, all development to reflect the positive characteristics and features of the site and locality, to be well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location, and to cause no significant harm to amenity and other sensitive uses or areas. As the development has already taken place the permission is unconditional.

Other Matters

9. I appreciate the concerns expressed by some local residents, but there is no evidence to indicate that the installation of the fence has given, or would give, rise to anti-social behaviour, which in any case may be addressed by other measures. Furthermore, given the separation distance between habitable rooms and the fence, I share the Council's assessment that it is not likely to give rise to any serious harm for neighbouring residents.

Conclusion

10. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design, and for the reasons given above the development complies with this principle and is sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR