



Appeal Decision

Site Visit made on 16 August 2021

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/V2255/D/21/3273419

13 Dean Road, Sittingbourne, ME10 2DG

- 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 R Kesha against the decision of Swale Borough Council.
 - The application Ref 20/505532/FULL, dated 20 November 2020, was refused by notice dated 15 February 2021.
 - The development proposed is erection of a wall with fence between pillars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The wall, fence and pillars have been installed; therefore, I was able to view them in place at the time of my site visit. The planning application form indicates that the proposal is being made in retrospect.
3. A revised version of the National Planning Policy Framework has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issue

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

Reasons

5. This residential estate hosts properties with open garden frontages, although some frontages have been enclosed by low brick walls, fences or hedges/vegetation. The openness to the frontages creates a distinctiveness to the estates character giving it a sense of place. I did not see any examples within the area where tall walls with fences have defined site boundaries or enclosed frontages. This is not a feature prevalent within this area. Whilst not open as such, the previously vegetated nature of the appeal site would have reflected that of frontages within the area.
6. Enclosing the frontage has removed the open character to this part of the estate and this is a diminution of its open character. Furthermore, the wall with fence is a highly visible feature that appears as an uncharacteristic and discordant projection into the openness of the streetscene. Being painted white adds to the visually conspicuous appearance of the boundary.

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Consequently, the proposal is wholly out of keeping and is harmful to the character and appearance of the locality. Although the previous vegetation at the site was around the frontage and created a boundary to some extent, this does not justify the erection of an alternative boundary treatment that is visually harmful.

7. I acknowledge that the wall with fence would be subordinate to the host dwelling and other dwellings nearby and would not obscure visibility of the host dwelling within the streetscene. The siting and position of the boundary would provide a distinction between private and public space. Whilst this may be so, such matters do not overcome my above concerns relating to the visual harm arising from the development within this streetscene.
8. It has been suggested that the colour finish of the wall could be changed to a shade of green or brown as this would reflect the front garden setting. The appellant has expressed a willingness to accept the imposition of a planning condition by way of securing this. I have found the wall with fence to be out of keeping with the character and appearance of the area. Painting the wall in shades of either of these colours would not overcome this as the development would not assimilate with the existing visual context of this part of the estate.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy DM14 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 that seeks, amongst other matters, development to reflect the positive characteristics and features of the site and locality and be of a scale, design, appearance and detail that is sympathetic and appropriate to the location.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR