



The Planning Inspectorate

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## Appeal Decision

Site visit made on 19 August 2024

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> August 2024

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**Appeal Ref: APP/V2255/D/24/3344201**

**8 Edyngham Close, Sittingbourne, KENT ME10 2SN**

- 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 Mrs H Brown against the decision of Swale Borough Council.
  - The application Ref is 24/500669/FULL.
  - The development proposed is the erection of a new boundary wall.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. Many of the properties in the area have open frontages, although some are enclosed by vegetation and a small number host fences, although those fences nearby enclose the rear boundaries of properties. There are wide verges in the area that give this locality a spacious character and openness to the appearance of this residential area. The general openness provides a sense of place to this locality. These create a distinctiveness to both the character and appearance of the area. Whilst some boundary features exist in the locality these are not an overriding characteristic. The space to the side of the appeal property contributes to the spacious character and appearance of the area.
4. Enclosing the open space to the side of the appeal property would create a substantial feature that would be clearly visible in views from the public realm in a highly prominent location. Although the frontage to the property would remain open, enclosing the open space to the side of the dwelling would be out of keeping with the character and appearance of the area. As such, it would be visually harmful as it would erode the distinctive qualities of the locality.
5. I have been provided photographs of examples of enclosures in the neighbouring and wider area. I accept that there are some forms of enclosures within the locality, such as, those that enclose rear gardens of neighbouring properties and hedges around front gardens. However, in the main the area hosts an openness to its character and appearance. Many of the examples provided are not in the immediate environs of the appeal site where I have identified there to be a distinctiveness to the character and appearance of the

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area. Those examples offer little weight in favour of the proposal. This proposal can and should be considered on its individual merits taking the surrounding context into consideration. Whilst there may be other examples of enclosures in the neighbouring area, this does not justify further such development where visual harm would arise.

6. It is advised that the area of land relating to the appeal site has not been maintained by Authorities over the years. It is also contended that it has been used as a pedestrian short cut and that plants and bulbs within this area have been vandalised and dogs have been allowed to foul in the area. Enclosing this land would allow it to be maintained. Climbing plants could potentially make an attractive feature of the enclosing boundary. Whilst these would be benefits of the proposal they do not overcome the harm that I have identified to the open character and appearance of the area. These matters, therefore, offer little weight in favour of the proposed development.
7. 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 Policies CP4 and DM14 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to be of high quality design that is sympathetic and appropriate to its location and that promotes and reinforces local distinctiveness and strengthens a sense of place.

#### **Conclusion**

8. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR