

**Wateringbury**                      **568414 154036**                      **8 August 2006**      **TM/06/02623/FL**  
Wateringbury

Proposal:                      Addition of fence (114 cm high) on top of existing boundary wall which stands 80 cm high  
Location:                      Broomscroft Place 144 Canon Lane Wateringbury Maidstone Kent ME18 5PQ  
Applicant:                      Mr + Mrs R J Thorogood

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**1. Description:**

1.1 The proposal seeks retrospective planning permission for a close boarded fence that has been erected on the existing boundary wall.

**2. The Site:**

2.1 The site is situated in the Wateringbury Conservation Area. The fence is situated on the front boundary wall. The height of the existing ragstone wall is 80cm and the close boarded fence is 114cm. This substantially exceeds the "permitted development" limit of a height of 1.0m for a fence in this position. A wire fence is situated behind the closeboarded fence, and behind that is a thick coniferous hedge, currently extending approximately 1m above the height of the fence.

**3. Planning History (selected):**

TM/99/01894/RD	Details of entrance gates and wall submitted pursuant to TM/99/00794/FL: two storey extension, garage and two car ports
	Grant    26 October 1999
TM/99/00794/FL	Two storey extension, garage and two car ports
	Grant with conditions                      28 August 1999

**4. Consultees:**

4.1 PC: The PC strongly objects to this retrospective application. The site is in the Conservation Area and this wall, along with others, has been in existence for generations. The mounting of the timber fence on the top of this boundary wall to Canon Lane is an overpowering eye sore and is contrary to the spirit of the area. This wall is backed by fir trees and another fence, which in the Council's view is adequate. However, the Council would not raise objection to the existing wall being heightened in matching materials so that it remains in character with the area.

4.2 Private Reps: Art 8 Site + Press Notice + 3/0S/0X/4R. Four letters received, objecting on the following grounds:

- The new fence is totally out of keeping with the Conservation Area;
- There is already a hedge and an unobtrusive link fence behind the old wall to protect the privacy of the property.

**5. Determining Issues:**

5.1 The main determining issues associated with this application are the impact the proposal will have upon the character of the Conservation Area and the streetscene.

5.2 Policy QL6 of the KMSP and Policy P4/4 of the TMBLP state that development within conservation areas should preserve or enhance their character or appearance.

5.3 Canon Lane is generally characterised by ragstone walls and planting along the front boundaries of properties.

5.4 Whilst there are a few wooden fences and closeboarded gates along Canon Lane, these do not extend to the same height as the fence to which this application relates, and do not extend for the same length of boundary.

5.5 I am of the opinion that the height and extent of a fence in materials that are not characteristic of the streetscene, has a detrimental impact upon the visual amenities of the area, and as a result does not preserve or enhance the character and appearance of the Conservation Area.

5.6 The applicants state in a supporting statement that people walking along Canon Lane can see into their garden and see their children playing. They state that the boundary wall has not deterred them in any way, from a security view point or regarding the privacy and safety of their children.

5.7 The applicants have submitted some photographs of examples of existing boundary walls in Canon Lane, some of which are higher than the proposed fence. These examples are ragstone walls and therefore the material of these walls is more appropriate to the character of the area than the fence as currently erected.

5.8 I do not consider that the proposal will present any highway safety issues.

5.9 In light of the above, I consider the fence to be unacceptable. I also consider that it is appropriate and proportionate to serve an Enforcement Notice requiring the fence to be removed.

**6. Recommendation:**

**6.1 Refuse Planning Permission** for the following reasons:

1 The site is included within the designated Wateringbury Conservation Area and the fence detracts from the visual amenities of the Area, the character and appearance of which it is desired to preserve and enhance. The fence is therefore contrary to policy QL6 of Kent and Medway Structure Plan 2006 and policy P4/14 of the Tonbridge and Malling Borough Local Plan 1998.

6.2 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice, the Secretary of State and the appellants to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

**Breach Of Planning Control Alleged**

Without planning permission the erection of a wooden fence on top of an existing boundary wall.

**Reasons For Issuing The Notice**

It would appear to this Authority that the above breach of planning control has occurred within the last four years. The site is included within the designated Wateringbury Conservation Area and the fence detracts from the visual amenities of the Area, the character and appearance of which it is desired to preserve and enhance. The fence is therefore contrary to policy QL6 of Kent and Medway Structure Plan 2006 and policy P4/14 of the Tonbridge and Malling Borough Local Plan 1998. The reason for taking enforcement action is to remedy the injury to amenity caused by the unauthorised development.

**Requirement**

To remove the wooden fencing from the top of the wall.

**Period For Compliance**

Three calendar months from the date the notice takes effect.

### 6.3 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Glenda Egerton