

**East Malling &  
Larkfield**  
East Malling

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**TM/13/00551/FL**

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Proposal: Replacement of self-supporting fence situated behind existing ragstone boundary wall. In addition, replacement of small section of fencing with ragstone walling in keeping with adjoining wall fronting on house

Location: Ivy House Farm 42 Chapel Street East Malling West Malling Kent ME19 6AP

Applicant: Mr Jonathan Colvile

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**1. Description:**

- 1.1 This is a retrospective application in respect of the retention of a fence that has been erected along the eastern and part of the southern boundary of the site. The fence now measures 2.4m in height and is a replacement for a previous woven panel fence that measured approximately 1.8m in height. The aim of the new fence is to restrict noise and litter affecting the curtilage of the property and also to improve security.
- 1.2 In addition, a small 3m section of fencing would be replaced with ragstone walling, in keeping with the wall adjoining the front of the house to link with the new fencing. At the time of writing this section of wall had not been constructed.

**2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Simpson who considers that the fence has a significant impact on the setting of this part of the village and appears to be overbearing and oppressive and not what would be expected in a residential location. There is also concern to ensure that the quality of the stone work in the construction of the wall is to a high standard.

**3. The Site:**

- 3.1 No. 42 Chapel Street, known as Ivy House Farm, is positioned on the western side of the road towards the southern end of East Malling village. The property is a Grade II Listed Building which is situated within the Conservation Area and village confines. The land associated with the house extends to the south and falls outside the village confines and Conservation Area. The application site lies at the southern edge of the village opposite a mix of residential properties, with agricultural land beyond.

**4. Planning History:**

- 4.1 None directly relevant.

**5. Consultees:**

- 5.1 PC: Note that the fence is 0.6m higher than the previous structure and that the site adjoins a Conservation Area and Listed Building. It is considered that the fence stands out at the entrance to the village by reason of its newness, additional height and lack of screen vegetation. A green transition such as a hedge is considered more appropriate in this location adjacent to the countryside. It is understood that the fence is supposed to have deflected noise across the road to the detriment of the dwellings opposite. A site inspection is requested.
- 5.2 EMCG: Does not consider the fence reflects any part of the village character. Suggests that the fence reflects noise across the road to neighbouring properties. Challenges the dimensions of the previous fence as shown on the submitted statement. The difference in height between the previous and the new fence is nearer 1m, rather than 0.4m. The section of ragstone wall should be rejected due to lack of details. Precise details of the ragstone wall should specify random ragstone and lime base mortar. Considers that the fence should be refused and a lower structure of 1.8m from the carriageway level should be considered to lessen its impact.
- 5.3 Private Reps:33/0X/3R/3S +site+press notice: Three letters of support have been received and it is stated that :

- The old fence panels were loose and dangerous and that the new fence is of greatly improved appearance.
- It is noted that the fence will age with time, the use of evergreen vegetation is welcomed and the fence is in keeping with the local area.

Three letters of objection have also been received. It is asserted that the fence is 2.4m above ground level which is also 0.9m above the level of the highway and as such is visually out of keeping with the area.

- Due to the overpowering appearance the fence should be reduced in height to 1.8m. Attempts to disguise the fence will only increase its bulk.
  - The supplier's website suggests this type of fencing is inappropriate for a residential location as it reflects rather than absorbs sound. The properties opposite are said to have experienced an increase in road noise levels since the high density fence was erected.
- 5.4 KCC (Highways): The fencing does not adversely affect highway safety and I do not wish to raise objection.

**6. Determining Issues:**

- 6.1 This application is considered in relation to Core Strategy policies CP1 (development should be to a high quality and respect residential amenities) and CP24 (need for high quality design). Policy SQ1 of the MDE DPD states that development should respect and reinforce an areas local distinctive character. Paragraphs 17, 57, 58 and 61 re-inforce the above. Paragraphs 126 and 131 concern development in Conservation Areas and when affecting historic buildings.
- 6.2 The main considerations are the size/ style and appearance of the replacement fence and the section of ragstone wall. It is also necessary to consider the impact on the neighbours, the setting of the Listed Building, character of the Conservation Area and any effect on highway safety.
- 6.3 In support of the application, the agent suggest that the development is entirely acceptable as the fence is a direct replacement for a previous timber boundary treatment that was of poor quality and in a poor state of repair. The fence is set against the backdrop of a tall conifer hedge and the agents considers that it reflects the character of enclosure that is he believes to be an intrinsic feature of Chapel Street.
- 6.4 Some representations have been received in respect of the increase in the height of the fence. It is acknowledged that the replacement fence is higher than the one that previously existed along the site boundary and that the ground level of the new fence is set above road level. The key judgement is, of course, not how much different it is from the previous fence but rather the acceptability of the fence as proposed. The previous fence does, nevertheless, present a datum because is replacement/restoration to that height could occur without the Council's approval, being needed. The fence, especially now as a result of its "new" appearance, does by reason of its height, and horizontal construction represent a noticeable feature in this part of Chapel Street. This is reinforced by the fact that the road at this point is fairly narrow and the fence, together with hedges on the other side of the road, creates a sense of enclosure. It is noted, however, that this is a general feature of the southern approach road to the village. As a result it is considered that the additional height of the fence, whilst it has some impact upon the street scene, does not unduly harm the character of the area generally and the Conservation Area.
- 6.5 During the determination of the application, it was suggested to the applicant's agent that the fence could be re-sited behind the row of trees along the site boundary. The applicant, however, states that this is a replacement structure of superior design and he does not wish to locate it behind the trees as it would impact upon the setting of the Listed Building.
- 6.6 In terms of the Listed Building, the fence is located in the same position as the previous structure. According to the applicant's agent ,a fence has been in this position for many years and, therefore, it is difficult to argue that a replacement

fence, albeit of increased height, would be detrimental to the setting of the Grade 2 Listed Ivy House Farm.

- 6.7 The East Malling Conservation Group does not consider that there is sufficient detailing regarding the construction of the section of ragstone wall and has suggested that precise details should be specified in order to avoid harm to the host dwelling. This matter can be adequately covered by a condition.
- 6.8 With regard to any impact upon the adjacent highway, the KCC Highways has confirmed that the proposals will have no effect on highway safety and therefore no objections are raised.
- 6.9 It has also been necessary to have regard to the impact of the new fence on the residential amenities of the neighbours living opposite the site. It has been claimed that as this is an acoustic fence noise is now being deflected away from the application site and is creating nuisance problems for those living nearby.
- 6.10 CEHO confirms that the fence is a reflective barrier rather than an absorptive one. If prior advice had been sought this would ideally have sought an absorptive barrier or non-acoustic one. From a distance/attenuation calculation it is estimated that the increase would be approximately 2dB using the standard methodology as set out in the Government document Calculation of Road Traffic Noise. The minimum change commonly held to be detectable by the human ear is 3dB. The difference in noise level is therefore assessed as being imperceptible and not substantial in this instance.
- 6.11 By the time the application was received, the fence had already been erected and comprised a pale coloured horizontal panel structure. Since then work has commenced to stain the fence a darker brown colour which is not reflected in the submitted information. The use of the dark stain has helped to make the appearance of the fence less stark and has improved the visual appearance of the structure. The appearance of the fence is to be softened further with climbing plants such as ivy. The Committee PowerPoint will display a photograph of the stained finish of the fence.
- 6.12 As can be seen from the above the installation of a replacement fence of greater height and different style has caused a number of concerns for those living nearby and also in terms of the impact on the Conservation Area. The proposals have therefore been given very careful consideration. Whilst it is acknowledged that the new fence has an additional impact due to its different height and design from that previously on site, with the use of the dark staining it is considered to represent a satisfactory feature in this location. It is therefore recommended that planning permission is granted subject to safeguarding conditions to ensure that the fence is finished in dark coloured stain and that further information is submitted about the construction of the ragstone wall.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 01.05.2013, Letter dated 01.05.2013, Site Plan dated 01.05.2013, Photograph 0345 dated 25.02.2013, Photograph 0343 dated 25.02.2013, Photograph 1960 dated 25.02.2013, Proposed Plans 13/0000/01 dated 01.05.2013, Proposed Plans 13/0000/02 dated 01.05.2013, subject to:

**Conditions**

1. Within one month of the date of this decision the fence hereby approved shall be finished and maintained in a dark brown coloured finish, the colour of which shall match the existing applied area of staining.

Reason: In the interests of the visual amenities of the area and in accordance with paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

2. Prior to the commencement of the construction of the ragstone wall, precise details of its construction shall be submitted to and approved in writing by the Local Planning Authority. Such details as hereby approved shall be carried out concurrently with the development.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. The standard of workmanship achieved in the carrying out of the erection of the ragstone wall shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

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