

Alleged Unauthorised Development

East Peckham

15/00394/WORKM

566246 148696

Hadlow And East
Peckham

Location: 28 Westwood Road East Peckham Tonbridge Kent TN12 5DE

1. Purpose of Report:

- 1.1 To report a breach of planning control relating to the erection of a 1.8 metre high close boarded fence adjacent to the highway on part of the northern side boundary and the western rear boundary of the property adjacent to Westwood Road, without the necessary planning permission.

2. The Site:

- 2.1 The site is close to the western edge of East Peckham, and comprises a semi-detached house, which was built in the early 1950's and is at a right angle to the road and fronting onto a small green. The property has a long northern side boundary (approximately 60 metres) fronting onto Westwood Road with a short rear boundary adjacent to the junction of Westwood Road with Addlestead Road. This side boundary is defined by a mixture of a high Beech hedge and existing 1.8 metre high close boarded fence and the new section of close boarded fence, which is approximately 26 metres in length with a ninety degree turn across the bottom of the garden of about 3 metres. There is a vehicular access within the length of existing 1.8 metre high close boarded fence with matching gates.
- 2.2 The western part of the garden (about 33 metres in length) lies within the Bullen Corner Conservation Area. Bullen Cottage 124 Addlestead Road, a 16th century timber framed cottage with thatched roof and a Grade II listed building, is situated on the corner of Westwood Road and Addlestead Road close to the western end of this property.

3. History:

- 3.1 TM/15/03952/FL Refused 24 March 2016

Retrospective application: Installation of a 1.8 metres high closed board fence to the boundary of my property which borders Addlestead and Westwood Road.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission, the unauthorised erection of a 1.8 metre high close boarded fence adjacent to Westwood Road, a highway used by vehicular traffic.

5. Determining Issues:

- 5.1 The new 1.8 metre high close boarded fence replaced a lower fence consisting of concrete posts and wire about one metre high. The fence and adjoining garden had become overgrown and the owner is understood to have erected the new fence for security and privacy reasons.
- 5.2 Retrospective planning permission TM/15/03952/FL was refused because the boundary fence, by virtue of its overall scale and height combined with its unsympathetic design and materials used, is detrimental to the appearance, character and amenities of the Bullen Corner Conservation Area and harmful to the setting of the Grade II listed building at Bullen Cottage 124 Addlestead Road. As such, the development is contrary to policy CP24 of the TMBCS and policy SQ1 of the MDEDPD 2010. In addition paragraph 131 of the NPPF states that when determining planning applications, consideration will be given to the desirability of sustaining and enhancing the significance of Heritage Assets, including Conservation Areas. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty in Conservation Areas to have regard to the desirability of preserving or enhancing the character or appearance of that area.
- 5.3 The Bullen Corner Conservation Area was subject to a Conservation Area Appraisal, which was adopted in June 2011. The Appraisal refers to the enhancement of property frontages and comments that a mix of inappropriate front boundaries has led to an erosion of the character of the area and that where possible traditional boundary enclosures should be reinstated. Where the opportunity arises, new boundaries should use the prevailing materials and designs particularly 1 metre high hedges in front of properties or 2 metres high field and side boundaries.
- 5.4 The appraisal also comments that, unlike most properties which can be seen above the garden hedge and between the trees, the historic Bullen Cottage is hidden by conifer and other trees. The conifer trees referred to were actually on an intervening strip of land on either side of the Coult Stream and between this property and Bullen Cottage owned by Circle Housing Russet. These trees were lopped by Circle Housing Russet in May 2015, resulting in more open views of the listed building from the Conservation Area.
- 5.5 The Conservation Area Appraisal also refers to an important open space (wide verge) with a high hedge to the side boundary of the adjacent property on the north side of Westwood Road opposite the new fence.
- 5.6 Planning permission was refused because of the significant concerns about the harmful impact of the new fencing on the setting of the listed building, Bullen Cottage, the character of the street scene and the Conservation Area. The boundary fence is considered to be starker and more suburban in character than would be expected in a semi-rural location such as this. The materials used are not what would readily be associated within a Conservation Area or in close proximity to a listed building,

although such fences do exist at a lesser scale in other properties within the area. Whilst it is accepted that the colour of the fence will change over time, the harsh appearance in close proximity to the Grade II listed Bullen Cottage is detrimental to the setting of this building and has an adverse impact upon the character and appearance of the Conservation Area. It is considered that the fence could be set back in the area close to the listed building with planting in front to reduce its impact and be more acceptable in this location. It is therefore appropriate to take enforcement action to remedy the harm to amenity caused by the development.

- 5.7 The original 1.8 metre high close boarded fence has been in place for more than four years and is therefore immune from enforcement action. The new fence requires planning permission because it exceeds 1 metre in height and is adjacent to a highway used by vehicular traffic. Therefore the new fence would be permitted development if it was reduced to 1 metre in height or relocated so that it was not adjacent to the highway. However it is understood that a lower fence would not provide the necessary privacy or security sought by the owner. Enforcement action to require the new fence to be set back 1 metre from the back edge of the footway on the northern side and western end boundaries and the planting of a Beech hedge on the strip of land between the fence and the highway would reduce the harm to the character of the Conservation Area and the setting of the listed building and achieve the security and privacy desired by the owner.

6. Recommendation:

An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the fence on the northern and western boundaries to be set back 1 metre from the back edge of the footway and the planting of a Beech hedge between the fence and the highway.

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