

4.1 19/00979/HOUSE      Date expired 11 June 2019

Proposal:                      Erection of a close boarded fence

Location:                      1 Old Forge Cottages, High Street, Brasted KENT TN16  
1JA

Ward(s):                      Brasted, Chevening and Sundridge

#### **ITEM FOR DECISION**

This application has been referred to the Development Control Committee by Councillor Firth for the committee to decide whether the proposed fence does not conserve or enhance the setting of the heritage asset to which it relates and, as such, is contrary to Policy EN4 of the ADMP.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: IP 1902-A1: Revision B.

For the avoidance of doubt and in the interests of proper planning.

#### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful

outcome,

- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the application.

### **Description of Site**

- 1 The application site comprises of a two-storey Grade II listed terraced dwelling and annex located within the urban confines of Brasted. The property forms part of a large group of listed buildings fronting the high street. The property benefits from a long plot and there are neighbours located either side. The rear boundary of the property backs onto a detached garden area of neighbouring 2 Old Forge Cottages with the River Darent, woodland and fields beyond.

### **Description of proposal**

- 2 This application seeks permission for a close boarded fence to be located on the western and northern boundaries of the application site. The fence posts would be 2m in height with the panels at 1.8m. The fence would run adjacent to the shared boundaries between 1 and 2 Old Forge Cottages and adjacent to a private right of way through the garden of the host dwelling.

At the time of the site visit part of the fencing had already been erected.

### **Relevant planning history**

- 3 16/03651/LBCALT - Internal and external repair and refurbishment works to existing dwellinghouse - GRANTED- 29/08/2017

- 4 17/01661/LBCALT - Refurbishment of existing annexe including internal and external alterations - GRANTED - 29/08/2017

## Policies

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 6 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP11 Biodiversity

- 7 Allocations and Development Management (ADMP)

- SC1 Presumption In Favour Of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape

- 8 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Brasted Conservation Area Appraisal (SPD)
- Sevenoaks Countryside Character Assessment (SPD)
- Kent Downs AONB Management Plan

9 Publicity Expires on: 27 May 2019

### Constraints

- 10 Grade II listed buildings  
 Brasted Conservation Area  
 Kent Downs Area of Outstanding Natural Beauty  
 Area of Archaeological Potential  
 Tree Protection Orders

### Consultations

Brasted Parish Council

- 11 Object: “Brasted PC objects to a solid, close boarded fence as it believes it is inappropriate in this situation (Conservation Area and Grade 2 listing). Brasted PC believes that an open style fence would be more appropriate in this setting”

SDC Conservation Officer

- 12 “Old Forge Cottages are part of an extended ground of Grade II listed buildings which enclose High Street, in the Brasted Conservation Area.

Paragraphs 193 & 194 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through unsympathetic development within their settings.

The proposed close boarded fence causes no harm to the significance of the heritage assets and there is no objection in terms of Policy EN4.”

- 13 At the request of Ward Members further comments were received on the application from the Conservation Team Leader which were received on 18 July 2019:

“The applicants have now lowered the height of the fence adjacent to the garden wall, and the height of the rest of the fence panels are 1.8m, not 2m.

The rear gardens are currently sub-divided into three private areas for the three properties in the range. The sub-division of the rear gardens varies from timber fencing of different styles and a brick wall. The character of the rear of the properties is of private gardens which reflects the residential character of the listed buildings and the wider conservation area. The introduction of the new fence that separates the right of way access from the rest of the private garden area for the property is not objectionable in principle. The garden of No.1 currently has a tall untreated modern fence running along its eastern perimeter and the reduction in the size of the garden by the introduction of a parallel fence does not affect the setting of the listed building. The introduction of a new modern fence adjacent to the existing boundary fence does not therefore cause any further intrusion into the space and reflects the established demarcation of the garden plots. The untreated wood, reflects the untreated wood of the existing fence which has weathered over time, as will this fence. The fence which is closest to the buildings is lower than the historic wall which currently separates the garden of No.1 from the garden of No.2 in the area immediately outside the buildings. The fence will continue, lower than the wall around the boundary where there is currently a fence in situ. The fence of the adjacent property is also of a solid modern timber construction and successfully reflects the residential garden character of the properties. Whether the fence is picket as currently in place or solid feather board does not impact on the special interest of the listed buildings or the wall.”

SDC Tree Officer

14 No comment

Kent County Council Archaeological Officer

15 No comment

## Representations

16 We received letters of objection from fifteen addresses to the application. The relevant planning issues raised are as follows:

- The fencing design and style would be inappropriate, unsympathetic and out of keeping with the character of the area
- Loss of light and sunlight to neighbouring properties
- Overbearing impact to neighbours and the listed buildings
- Impact to the listed buildings
- Impact to the Conservation Area
- Impact to the AONB
- Layout and density of building design and finishing materials
- Overshadowing to both gardens belonging to 2 Old Forge Cottages
- Loss of outlook, views and visual amenity
- Impact to wildlife and wildlife corridor
- The fence is not a heritage asset

(Item No 4.1 )

- The fence would contravene the NPPF, ADMP and Brasted Conservation Area Appraisal
- No pre-consultation was undertaken by the developer
- The open aspect of the gardens would be lost
- The erection of the fence could set a future precedent
- English Heritage were not consulted

A number of objections were also raised on non-planning matters. These will be considered under ‘other issues’ at the end of the report.

### **Chief Officer Planning and Regulatory Services’ Appraisal**

- 17 The highest part of the fence (posts) would be no more than 2m in height. As such the only reason the fence would require planning permission is that it would form an enclosure within the curtilage of listed buildings. Therefore the principal consideration in this case is the impact to the listed buildings and their setting.
- 18 However for clarity, in light of the objections received, the impact of the proposals in regards to all other relevant policies will be considered in depth.
- 19 The main planning considerations are:
- Impact to the Setting of the Listed Buildings
  - Impact to the Conservation Area
  - Impact to the AONB
  - Design and impact to the character of the area
  - Amenity Protection
  - Archaeology
  - Trees
  - Biodiversity
  - Other Issues

### **Impact to the setting of the Listed Buildings**

- 20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 21 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 22 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

- 23 The application site forms part of a row of Grade II listed two storey cottages. The properties are residential in nature, linear in building line with an informal plot arrangement to the rear. Historically the plot layout of these properties has varied with the site being open in 1888 then enclosed with small gardens by 1896. The garden of the application site had been extended by 1909 and has remained largely similar since this time with the exception of the westernmost part of the garden which has been acquired by 3 Old Forge Cottages and the rearmost part of the garden adjacent to the River Darent which has been acquired by 2 Old Forge Cottages and is accessed via a private right of way that runs through the garden of the application site.
- 24 The plot arrangement and property boundaries have therefore varied over time as would be expected for residential properties of this age. The existing boundary treatments comprise of a mix of fencing, (including high close boarded fencing along the boundaries between numbers 2 and 3 Old Forge Cottages and between 1 Old Forge Cottages and Fig Tree House), an historic brick wall, trees and shrubbery, all of which are characteristic of the wider area.
- 25 This application proposes to construct a new close boarded fence adjacent to the shared boundaries with number 2 Old Forge Cottages and within the garden of the application site. The fence would be located adjacent to the low level picket fencing which currently marks the boundary between the neighbours and begins where the historic wall ends. At this point the fence would be no higher than the wall and would run at this height for 6.2m adjacent to the fence, turn 90 degrees and continue up to the neighbour's rear gate which provides access to the private right of way through the garden. The fence would then run north through the application site with the panels at 1.8m at a distance of 1.05m from the fence of number 3 Old Forge Cottages up to the existing picket fence which divides the neighbour's northern garden from the garden of the application site. The fence would continue adjacent to this picket fence at 1.8m (panels) up to the boundary shared with Fig Tree House.
- 26 The proposed fence would have a modern and more suburban appearance than the existing boundary treatments; being constructed in untreated wood with concrete posts. However the existing setting is currently characterised by formal residential boundary treatments, including standard height close boarded fences, outbuildings and other development such as patios or residential paraphernalia. Although the existing close boarded fences are entirely constructed in timber they include untreated timber which has weathered over time and, although concrete posts are more suburban in appearance, they are not unusual for domestic properties in villages. It is expected that the untreated wood of this fence would weather over time as have other fences in the area and the overall visual impact within the setting of the listed buildings would be limited and would improve over time.
- 27 The fence would not be attached to the listed structures and would be located some distance from them. Considering that the fence would be of a

(Item No 4.1 )

standard height, and no higher than the existing wall where it is closest to the original structures, it would not be considered to have an overbearing impact to the listed buildings. Moreover the fence would not have a visual relationship with the listed buildings within the public realm and would only be visible privately which significantly reduces the impact on the setting of the heritage assets.

- 28 The demarcation of the plots, which would separate the garden from the neighbouring private right of way, is acceptable in principle as, as noted above, there is no formal established plot layout attached to the listed buildings which has vastly altered over time. The division of the plot would therefore not be out of character with these properties and would not cause harm to the significance or special interest of the heritage assets. It is not necessary for the purposes of national or local planning policy for proposed development within the setting of listed buildings to provide an historic contribution to the heritage assets which only requires that the setting be conserved or enhanced as the proposals would do in this instance.
- 29 Neither is it required by Policy for development to enhance the heritage assets. Although enhancement is desirable, in order for the proposals to be considered appropriate in accordance with the NPPF and Policy EN4 of the ADMP the proposals would only need to demonstrate that the proposals would conserve the setting of the heritage assets. As the fencing would be within the existing character of the existing setting I am satisfied that the proposals would achieve this.
- 30 SDC Conservation were consulted on the application and have advised that the proposed fence would not result in harm to the significance of the heritage assets. As such they have no objection to the proposals in regards to planning policy. At the request of Ward Members further comments were received from the Conservation Team Leader seeking their views and clarification on the impact of the proposals to the setting of the listed buildings. It is their view that the fence would be within the expected character of the listed residential properties and, whether the style of the fencing were high and close boarded or low level, the construction of a fence in this location would not have an adverse impact on the special interest of the listed buildings or their setting for the above reasons.
- 31 In light of the above it is therefore considered that the proposed fence would not cause harm to the setting of the listed buildings or significance of the heritage assets in accordance with Policy EN4 of the ADMP, Core Strategy and NPPF.

### **Impact to the Conservation Area**

- 32 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 33 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 34 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 35 The Brasted Conservation Area Appraisal identified Old Forge Cottages as an important group of buildings with a valuable contribution to the character of the Conservation Area. The properties back onto the banks of the River Darent with woodland beyond. The Conservation Area Appraisal notes that some properties which back onto the river can have an open appearance, however in this case the properties are for the most part screened by the tree belt to the north. As such there would be no harm within the street scene and thus the impact to the overall Conservation Area would be substantially limited.
- 36 The Brasted Conservation Area Management Plan refers to boundary treatments and walls where they contribute to the character of the area and streetscape, i.e. those that are visible, but does not provide guidance in regards to rear boundary treatments which separate plots. Part III of the recently adopted conservation area assessments, (not specific to Brasted), offers guidance on new and replacement boundary treatments which should use traditional materials and detailing prevalent in the conservation area. As noted above standard height close boarded fences are already a prevalent feature within the private residential gardens of this row of listed buildings and the work would therefore accord with this guidance.
- 37 As such it is regarded that the proposed fence would leave the Conservation Area unharmed and would therefore be in compliance with Policy EN4 of the ADMP and the Brasted Conservation Area Management Plan.

### **Impact to the AONB**

- 38 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 39 Therefore the AONB designation includes not only the application site and open landscape beyond, but also the built villages and towns within it. The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness.
- 40 Development within the AONB should conserve the character of the landscape. Policy EN5 of the ADMP requires that development conserve the character of the landscape and enhance it where appropriate.

(Item No 4.1 )

- 41 The fence would be located within the built confines of Brasted. As it would only be visible privately and surrounded by development to the southern, eastern and western aspects and screened from the north it would have a very limited visual impact within the wider landscape.
- 42 As previously noted, when considering the impact of the fence to the setting of the listed buildings, close boarded fencing is already a feature of the existing character of the area. As such the introduction of a new fence would be within the expected character of the existing landscape with the fence being seen set against residential gardens and their context.
- 43 It is therefore clear that the fence would conserve the character of the AONB. Although it is less clear that the fence would enhance the AONB, Policy EN5 requires that proposals demonstrate an enhancement only where appropriate. The scale of the development, the installation of a domestic garden fence, would be considered very minor work and as such it would not be expedient to require the work to demonstrate an enhancement in this case, particularly considering that the fence would only be visible privately and, were it not for the fact that the property is listed, the works would not otherwise require planning permission.
- 44 It is therefore considered that the proposals accord with Policy EN5.

#### **Design and Impact to the Character of the Area**

- 45 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 46 As noted above, although the fence would have a more suburban appearance than the existing fencing within the immediate area, it would not be considered out of keeping with existing character. The fence would not be visible within the public realm and would not have an impact within the street scene.
- 47 A letter of objection made reference to Policy EN1 in that the proposed fence would not respect the layout and density of building design and finishing materials. This policy refers to development of all scales and would apply proportionately to individual applications depending on the size of the scheme. It is relevant to note that the erection of standard height fencing in private gardens is very minor work, one that in most cases does not require planning permission. Density and layout refers most usually to new buildings and the proposed materials, as above, would be appropriate.
- 48 The proposals therefore fully accord with Policy EN1.

## Amenity Protection

49 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The two neighbouring properties which could be affected by the proposals are number 2 Old Forge Cottages located to the west and Fig Tree House to the east.

50 Loss of light/overshadowing:

The Sevenoaks Residential Extensions SPD requires that a 45 degree light test be undertaken to ascertain the impact to daylight to habitable rooms in accordance with BRE guidance. There are no equivalent light tests to ascertain the impact to neighbouring amenity space. In this case a judgement must be made based on the scale and form of the development taking into account the orientation of the properties, situation on site and other relevant considerations. For clarity the private amenity space is regarded as the first five metres of garden space measured from the rear elevation of a property.

51 2 Old Forge Cottage:

The fence would be located adjacent to the neighbouring garden approximately 6m from the rear elevation of the neighbouring extension. This extension serves a kitchen which benefits from three windows and a glazed door across the full width of the elevation. The rear elevations of the properties are north-west facing and there is already a 1.5m high brick wall which runs for the first 6m from the rear elevation between this neighbour and the application site. The proposals would therefore pass the light test to the kitchen windows of the neighbouring property as does the existing brick wall and the impact to daylight as a result of the work would not be materially different than the existing situation.

52 Considering that this elevation is north-west facing and that this neighbour is bounded by an existing 1.5m brick wall on the eastern aspect and number 3 Old Forge Cottages on the western aspect, the existing amount of direct daylight received to the private amenity space would be very limited in the existing situation and would mostly be blocked by the existing roof planes. As the fence would be a standard height and located further north into the garden the impact in real terms to the private amenity space as defined within the Residential Extensions SPD would be negligible.

53 The northern part of the garden of number 2 Old Forge Cottages would not be considered private amenity space for planning purposes. Although it is appreciated that the fence could have an impact to the light received to the greenhouse located in this area, in this instance it cannot be protected under current planning policy and as such impact to daylight to this area cannot be considered harmful in terms of Policy EN2.

54 Similarly it is likely that there would be a noticeable impact along the private right of way within the garden of the application site where it would be bounded by two standard height fences. However, as with the northern garden, this would not be considered amenity space in planning terms which can be protected.

55 As such the impact in regards to daylight and overshadowing to the habitable rooms and private amenity space of number 2 Old Forge Cottages would be considered acceptable and the proposals would not result in an impact to habitable rooms of private amenity space that would be considered materially different to the existing situation.

56 Fig Tree House:

The proposed fence would be located adjacent to the neighbour's existing close-boarded fence. This would be set approximately 33m from the rear elevation of this property. Due to this distance and orientation there would not be an impact to this neighbour in regards to daylight or overshadowing.

57 Loss of outlook, visual amenity, overbearing impact:

In planning terms the impact to outlook would be concerned with the normal immediate outlook from windows of habitable rooms of neighbouring properties. For outlook to be considered adversely affected to the extent in which it results in unacceptable harm, the normal outlook would need to be clearly and adversely obstructed, (for example a large extension in close proximity to direct outlook from a window). That proposed development can be seen, or impact views generally, do not amount to a material planning consideration and views from a private property cannot be protected by the planning system.

58 As such the only windows with the potential to be impacted by the proposals are the rear kitchen windows of number 2 Old Forge Cottages. The immediate outlook from these windows would be their private amenity space which includes the patio area. To the left are oblique views of the flank elevation of 3 Old Forge Cottages and to the right are oblique views of the boundary wall between numbers 1 and 2. These would not be considered within the direct outlook in planning terms.

59 Further into the site from approximately 6m the outlook continues into the garden which includes close boarded fencing and trees /vegetation to the right, picket fencing and garden of 1 Old Forge Cottages within the direct view, and oblique views of the existing picket fencing and neighbouring annex. The detached garden of number 2 is also visible at a distance of 45m.

60 The fencing panels at the closest proximity to these windows would be the continuation of the boundary treatments on the flank elevation. This would be located 6m from the rear windows and at being orientated 90 degrees would not be considered within, nor materially alter, the direct outlook

(Item No 4.1 )

from these windows. The only element of fencing which would be directly parallel to these windows, and thereby have the potential to impact the direct outlook in planning terms, would be the panels located adjacent to the existing picket fencing and would be set at a distance of over 12m away.

61 Therefore, although it is undoubtable that the existing views from these windows would change, the fence would not be located in such close proximity to alter the immediate normal outlook to the extent in which it would result in substantial harm to the enjoyment of the property. There is already fencing bounding and within the site and the fact that the northern part of the garden, or the neighbour's garden, would no longer be visible would not amount to harm to normal outlook. As above, the impact on site would be to views generally which cannot be protected and I am therefore satisfied that there would be no harm to outlook in planning terms.

62 As discussed in regards to the impact of the fence to the setting of the listed buildings, the fence would be characteristic of the area, of a standard height and would be relatively minor work. It would not further enclose the garden of the neighbouring property which is already demarcated by fencing, albeit of a lower height, and would therefore not be considered development that would have an obtrusive or overbearing impact to the habitant of number 2 Old Forge Cottages.

63 Overlooking/loss of privacy:

The fence would not result in an increase of overlooking to the neighbouring property and privacy to neighbours would be preserved.

### **Archaeology**

64 The site is located within an Area of Archaeological Potential. A brief review of HER records show that there have been no archaeological finds recorded for this site. The nearest records relate to the Mill some 200m away from the application site. Considering that the development in minor and limited excavation is required the development is considered to be very low risk and would accord with Policy EN4.

### **Impact to Trees**

65 The site is covered by a blanket tree preservation order. The proposals would not be located within the RPA of any protected trees. No concerns were raised by SDC's Tree Officer.

### **Biodiversity**

66 The site is not located within a biodiversity opportunity area however the rear boundary of the neighbour's land backs onto the River Darent and there are no closed boundary treatments in this location. It has been stated that local wildlife, including hedgehogs, currently visit the garden and letters of

(Item No 4.1 )

objection have raised concerns that the proposed fence would adversely impact the local wildlife.

- 67 These rows of dwellings are already bounded on this side by close-boarded fencing which means that there is no formal wildlife corridor which runs through the gardens. Rather the formal 'corridor' would be considered to be that which runs through the river and woodland / fields behind which would remain unaffected by the proposals.
- 68 The existing fencing within the site is open and it is possible for small wildlife to move around the two gardens which would be impacted by the proposed fence. However the fact that the gardens would be separated would not be considered detrimental to wildlife as it would not inhibit movement along the river nor through the land behind. As such I am satisfied that the fence would not cause harm to wildlife in accordance with Policies SP11 of the Core Strategy and SP1 of the ADMP.

### Other Issues

- 69 Other than the issues already discussed a number of objections were received on the following matters:
- 70 No pre-planning consultation was undertaken - Although pre-application consultation is encouraged within the NPPF the applicant has no statutory obligation to do so.
- 71 The fence would set a precedent within the area - Each application is assessed on its own merits. Should further applications be received for similar fencing they would be accordingly considered based on the facts of the application and their planning merits.
- 72 English Heritage were not consulted - Historic England are only a statutory consultee in specific circumstances. This application would not involve works to the listed buildings and therefore they would not be a statutory consultee in this instance.
- 73 Property values - property values and 'desirability' are not a material planning consideration that can be taken into account.
- 74 Safety / hazards / security - safety and security are not a material planning consideration for a scheme of this size which is normally a consideration for larger scaled development (i.e. new housing developments). Any private issue on this matter would be a civil matter between neighbours.
- 75 The fence is inconsiderate, unneighbourly and designed to cause offense - It is appreciated that the erection of this fence in this location may be uncomfortable and stressful for the occupier of number 2 Old Forge Cottages however we can only consider whether the fence would be acceptable in planning terms. Mindful of the very minor nature of the development, and considering that in most circumstances planning

permission is not required for the erection of a 2m high fence in a private garden, this is not something that the planning authority can control in this case. As above it would be a private matter for the applicant and neighbour to resolve.

- 76 It would be difficult for the occupier of number 2 Old Forge Cottages to maintain the existing fence - As above maintenance issues are a private property matter rather than a planning issue and cannot be taken into account.
- 77 Impact to the shared drainage system - As above this is a civil private matter to be resolved between neighbours
- 78 Low level picket-style fencing / planting would be more appropriate - It is the statutory duty of the planning authority to determine a planning application as it has been submitted. In line with the National Planning Practice Guidance (NPPG) amendments should only be sought where proposals would otherwise be unacceptable. In line with the NPPF where proposals accord with all relevant policies they should be approved without delay.

#### **Community Infrastructure Levy (CIL)**

- 79 is proposal is not CIL liable.

#### **Conclusion**

- 80 The proposed fence accords with all national and local planning policies.

#### **Recommendation**

- 81 It is therefore recommended that this application is approved

#### **Background papers**

Site and block plan

Contact Officer(s): Hannah Donnellan Contact 01732 227000

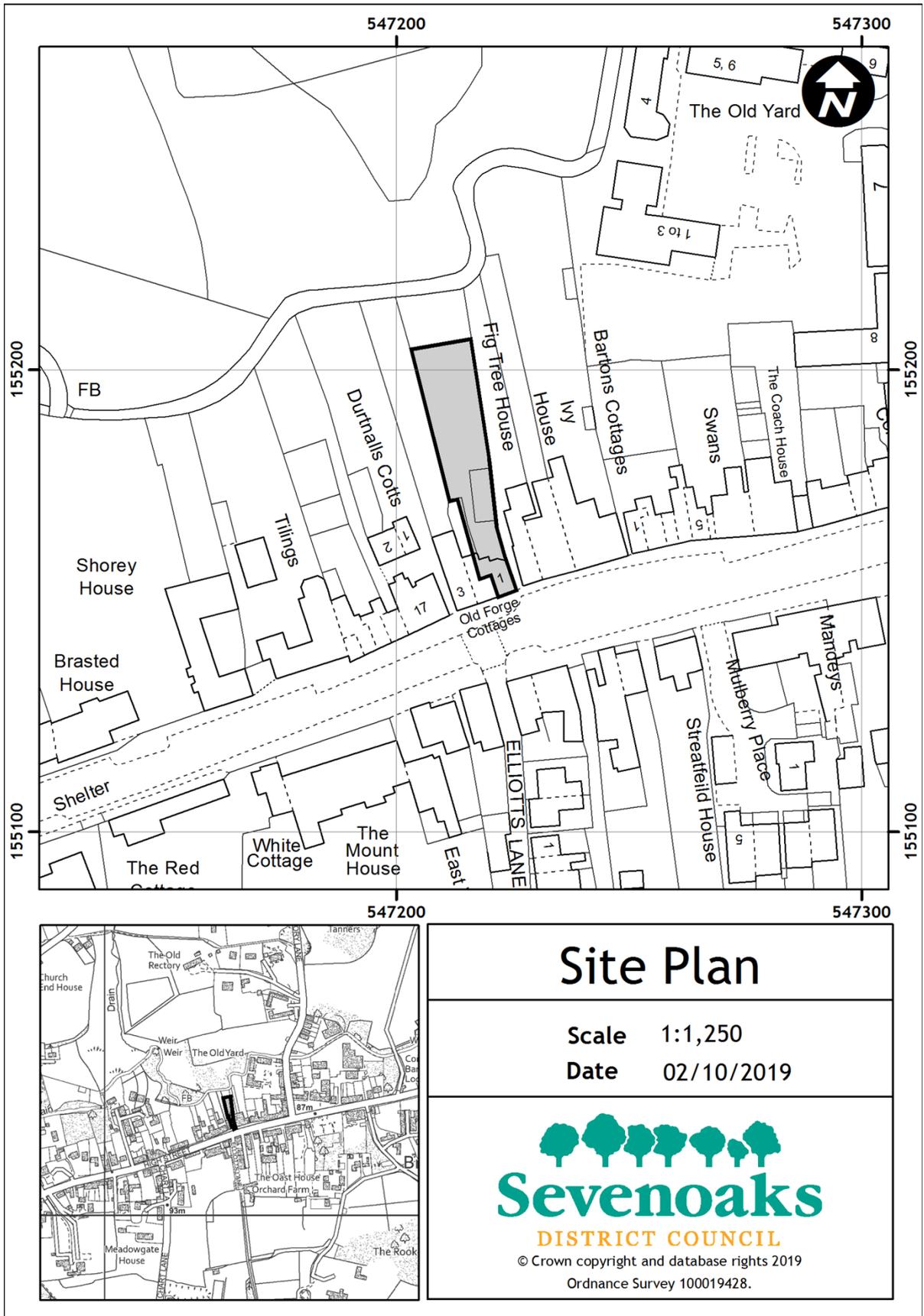
**Richard Morris**  
**Chief Officer Planning and Regulatory Services**

Link to applications details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PPAHXSBKIWA00>



Block Plan

