



Appeal Decision

Site visit made on 22 January 2018

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2018

Appeal Ref: APP/G1440/D/17/3183960
191 Priory Road, Eastbourne BN23 7TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Emma Ward against the decision of East Sussex County Council.
 - The application Ref PC/170733, dated 1 June 2017, was refused by notice dated 15 August 2017.
 - The development proposed is described as to remove the brick wall and put a fence around the side garden to increase the size of the back garden, the fence would be about 6/7ft the height of the existing wall. I would also like to put a fence around the front and side garden no more than 1 metre high to make it safer for when my children come out of the front as a barrier before the main road and also to stop people walking over my garden. I am happy to put an open fence or whatever is suggested.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within a residential area. The majority of properties on this part of Priory Road are small terraces arranged around open front gardens. Only very low hedges and planting are present in the front gardens. The side gardens of most houses including No 191 Priory Road are generally open to the pavement, although there are very limited examples of houses which have hedges on the boundary with the pavement on Priory Road. To the rear, there is a more enclosed quality with gardens enclosed by high fences, and there are alleyways and garage blocks. Nevertheless, there is generally a very spacious quality to the terraces at the front and sides of houses, and the open layout is a very distinctive and predominant feature of the area.
4. The proposal is for close boarded fences to be erected along the side and rear boundaries of the house, and the removal of the brick wall which is set far back from the pavement on Priory Road. Due to the height and prominent position of the fences they would be a highly noticeable feature which would significantly reduce the openness and spacious quality of the area. It would look considerably out of place in relation to Priory Road which has no examples

of fences placed in this type of arrangement. This would have a significant negative effect on the local character of the area.

5. The appellant suggests that an open fence could be erected. However, no details of the type of fence that this could be were provided, and I have determined the appeal on the basis of the proposal before me. I note that the proposal is intended to provide safety for children and to prevent trespassing. However, I have not been provided with any evidence to indicate that having an open front and side garden have caused problems for the occupiers. In addition, the existing rear garden provides a safe enclosed area for children to play.
6. I have been provided with photographs showing fences and walls within the area. Generally, the high fences are boundaries for rear gardens which do not protrude into open areas. One of the examples has a low fence which does not have an effect on the openness of the area. I note that there is one property which has a tall fence around the side garden. However, from the photograph it is not possible to ascertain whether that house is situated in an area of houses similar to the appeal site. I accept that the adjacent property has a hedge. However, whilst it is tall, there are gaps between each shrub and as such does not have an overly dominant presence in the street scene, it does not justify the appeal proposal.
7. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with saved Policies UHT 1, UHT 4 and HO20 of the Eastbourne Borough Plan 2007 and Policies B2 and D10a of the Eastbourne Core Strategy 2013 (CS). These amongst other things seek new development that protect the residential and environmental amenity of existing and future residents, makes a positive contribution to the overall appearance of the area, and harmonises with appearance and character of the local environment. The Council refers to Policy B1 of the CS. However, this policy does not demonstrate or substantiate an adverse impact on character and appearance.

Other matters

8. The Council raises concerns as to whether the proposed location of the fence would have the potential to cause harm to pedestrians as vehicles reverse from the driveway of No 191 on to Priory Road. The pavement seemed to be well used by pedestrians. Although not to scale, the drawings do show open space between the fence and the pavement. The numbers of traffic movements to and from the drive are likely to be very small, and I consider the position of the fence relative to the pavement would provide views of pedestrians coming towards the drive. The proposal would not cause harm to the safety of pedestrians. However, this does not outweigh the harm I have found.

Conclusion

9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR