
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: 16 February 2018

Appeal Ref: APP/P1425/D/17/3187965

8 Holters Way, Seaford, East Sussex BN25 3HS

- 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 Mr Michael Buroni against the decision of Lewes District Council.
 - The application Ref LW/17/0609, dated 26 July 2017, was refused by notice dated 21 September 2017.
 - The development proposed is the relocation of garden fence, bringing closer to but not abutting, public pavement/highway of a cul-de-sac road, serving eight (8) properties, including applicants.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site has a planning history that includes an appeal in 1985 for the relocation of the garden fence which was dismissed. Whilst this was some years ago I note that the conclusion of the Inspector was that the proposal would considerably restrict views and detract from the pleasant unenclosed nature of the area to a significant extent. I have considered the previous Inspector's findings and recognise the need for consistency, and where a decision is different to be able to reasonably distinguish between the cases and give explanatory reasons.
3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located within a residential area. The front gardens are mainly open although a number have mature planting which provide interest. The area has a very open quality as the majority of gardens have grass or hardstanding at the front boundaries. There are very few close boarded fences or walls visible on The Holt and Holters Way, with No 8 and No 1 as examples of the few exceptions. These have a fairly dominant presence in the street scene although the set back away from the pavement means that the spacious quality of the street scene is retained. Cars do have a presence in the street scene although this is of a more temporary nature.
5. The proposal is to relocate the existing close boarded fence at No 8 towards the pavement, extending the enclosed garden space to the rear of the property. The area which would be enclosed by the fence is currently open and matches

the overall character of the area. I have been provided with a conceptual image of the fence in place. Nevertheless, the proposal would bring the fence considerably forward of the existing side elevation of the house. I have had regard to the previous Inspector's conclusions. I note that the location of the fence in that case was to be hard up against the pavement. In this case the fence would be set back from the pavement but it would not be by a significant amount. Although the pavement on the west side of the road is very wide the fence would protrude significantly into the open area and it would become a more predominant feature than it is at the moment. The small setback would not help to retain the sense of spaciousness along Holters Way. The fence would be highly visible at the junction with The Holt and would be seen as an intrusive feature from this location.

6. I note that the proposal is to provide extra space for a child with additional needs. However, there is no evidence provided that the existing garden space is not sufficient for the family's needs. The area is gravel and would need some maintenance and the appellant refers to it having no use, but to my mind this is no different to the grassed areas at the front and side gardens elsewhere, and is not a sufficient reason to allow the appeal.
7. Materials of the fence would match the existing, and would be acceptable. I note that the fence is in need of replacement. However, these matters would not outweigh the harm I have found.
8. 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 Policy ST3 (bullet a) of the Lewes District Local Plan 2003 and Policy CP11 (bullets i and iv) of the Lewes Joint Core Strategy 2016. These amongst other things seek new development that should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area more generally, and conserve and enhance the high quality and character of the district's towns, villages.

Other matters

9. I have considered the Council's and other interested parties reference that the proposed development could set a precedent for similar development. Each application and appeal must be determined on its individual merits. Nevertheless, No 1 has a close boarded fence this is located adjacent to a narrower pavement than No 8. If proposals were to come forward to enlarge the enclosed rear garden of that property this would further reduce the spacious character of the area. To allow this appeal would make it more difficult to resist any other similar proposals. Although my decision does not turn on this matter, it adds some weight to my conclusions on the main issue.
10. The fence would be set back from the pavement and at the corner to the driveway with No 7, it would be angled slightly. This would allow views of the pavement and road for car users moving on to the road from the driveway. Taking account of the amount of pedestrian and traffic movements, I consider that the scheme would not cause harm to highway safety. However, this does not outweigh the harm I have found.

Conclusion

11. The appellant refers to the proposal being in accordance with a number of other bullet points in Policies ST3 and CP11. However, these would be of a neutral impact and would not be sufficient to weigh in favour of the appeal. I have found that the scheme would cause harm to the character and appearance of the area, and there would be conflict with the development plan when considered as a whole. Taking all matters into consideration including some neighbour support for the scheme I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR