
Appeal Decision

Site visit made on 22 March 2016

by Richard S Jones BA(Hons) BTP MRTPI

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

Decision date: 4 April 2016

Appeal Ref: APP/T1410/W/15/3137679

1 Samoa Way, Eastbourne, East Sussex, BN23 5BA

- 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 Miss Carmen Bermudez against the decision of Eastbourne Borough Council.
 - The application Ref PC/150804, dated 29 July 2015, was refused by notice dated 1 October 2015.
 - The development proposed is a new boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for a new boundary fence at No 1 Samoa Way, Eastbourne, East Sussex BN23 5BA, in accordance with the terms of the application, reference PC/150804, dated 29 July 2015.

Preliminary matters

2. At the time of my site visit, the boundary fence was already in place. However, retention as referred to in the application form and decision notice does not constitute an act of development. I have therefore dealt with the appeal on the basis that planning permission is being sought for the fence, which is reflected in my description of development.

Main Issue

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

Reasons

4. The appeal relates to a dwelling located on the corner of Samoa Way and Pacific Drive. The dwelling faces onto Samoa Way and in doing so presents its blank side elevation and the length of its rear garden to Pacific Drive. This contrasts with the row of properties situated on the opposite side of the junction which present their principal elevations to Pacific Drive. Consequently, reflecting their orientation, these dwellings have a lower, more open boundary treatment to Pacific Drive, thereby providing a greater degree of visual interest.
 5. For reasons of security and privacy however, it would be an unreasonable expectation for the appeal dwelling to have a similar means of enclosure, even with its prominent gateway siting. Indeed, due to the orientation of the dwelling it is somewhat of an inevitability that for the length of the appeal site a blank means of enclosure would be presented to Pacific Drive. It is therefore
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somewhat unfair to criticise the development for compromising the setting and character of the open plan estate.

6. This situation is not unique to the appeal site as there is variety to the orientation of dwellings within the residential estate, which results in various forms of enclosures in prominent locations. Indeed the rear and side gardens of properties in Tasmania Way/Hobart Quay present their enclosures onto the opposite side of Pacific Drive. Although here the enclosures comprise brick wall with infill timber panelling, I was able to observe a number of other comparable timber fences along Pacific Drive. The fencing at the appeal site is therefore not out of keeping with the area. Neither is its height excessive compared to other enclosures. Accordingly I do not find that the fencing to be over dominant or visually intrusive.
7. Whilst the projection of the fence forward of the front building line of the dwelling and into the generally more open plan frontage of the estate, is not characteristic, given its relatively short length and tapering form, its impact is not considered sufficient to withhold planning permission in its own right.
8. I therefore conclude that the development is not harmful to the character and appearance of the area and therefore does not conflict with Saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001 – 2011 (EBP) and Policies B2 and D10A of the Eastbourne Core Strategy Local Plan February 2013 (CS). These require, amongst other matters, that all new development harmonises with the character and appearance of the local environment, respecting local distinctiveness and ensuring development makes a positive contribution to the overall appearance of the area.
9. Whilst the Council has made reference to EBP Saved Policy HO20 and CS Policy B1 in its reason for refusal, these policies are primarily focused on residential amenity and spatial development strategy and distribution. I do not therefore find that they have direct relevance to the main issue I have identified and accordingly I have attached little weight to them.

Other matters

10. I have considered the concern expressed by Sovereign Harbour Residents Association that the proposal would set a precedent that would encourage other similar erections. Whilst each application must be treated on its own individual merits, given that I have concluded that the development is acceptable, I can see no reason why it would lead to harmful enclosures at other locations in the estate.
11. The junction to Samoa Way also sits forward of the line of the boundary fence and as such does not materially obstruct views of vehicles leaving the estate.

Conclusion

12. For the reasons given above, I conclude the appeal should be allowed and as the development is complete and satisfactory, it is not necessary for me to impose any conditions.

Richard S Jones

Inspector