
Appeal Decision

Site visit made on 14 March 2016

by Megan Thomas BA(Hons) in Law, Barrister

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

Decision date: 6 April 2016

Appeal Ref: APP/T1410/W/15/3140828

258 Sevenoaks Road, Eastbourne, East Sussex BN23 7SE

- 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 Jackie Whitlock against the decision of Eastbourne Borough Council.
 - The application Ref PC/150921, dated 21 August 2015, was refused by notice dated 1 October 2015.
 - The development proposed is the erection of a timber fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development proposed has already taken place and I have treated the appeal as seeking retrospective planning permission for the existing fence. The application to the Council for retrospective planning permission for the fence was made on an incorrect form, namely a form for an application for a Lawful Development Certificate. However neither of these matters has altered the fact that I have considered this development on its own particular planning merits.
3. A potential amendment to one corner of the fence is described in the appellant's evidence and a photograph with illustrated amendments is included. These potential amendments are not shown on a scaled plan. The amended scheme has not been the subject of public consultation and I consider that third parties would be prejudiced if I was to consider the amended scheme as part of this appeal. I have therefore considered the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in the appeal are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupants of 256 Sevenoaks Road with particular regard to outlook.
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Reasons

Character and appearance

5. The appeal site is a two storey terraced dwelling situated at a roughly perpendicular angle to Sevenoaks Road. It's immediate neighbours are similar in design to no.258 although the wider housing estate includes other forms of dwellings such as bungalows. No.258 is an end of terrace dwelling with its exposed flank wall facing Sevenoaks Road. The front door faces roughly in a westerly direction and there is a wide grassed area with trees beyond, and a similar configuration of dwellings on the other side of the grassed area. No.256 is also a two storey terraced house and its front elevation faces the road. Its western flank faces the rear elevation of no.258.
6. The fence which is the subject of the appeal is about 1.8m high and is close-boarded and made of timber. It has been erected so as to increase the size of the rear/side garden at the appeal property where previously an old wall boundary followed the line of the exposed flank wall. The fence stands back from the footpath along Sevenoaks Road by about 1m and there is also a grassed verge between the footpath and the road. In effect, the fence encloses part of an area that was previously open and to the side of no.258, as well as enclosing the rear garden of no.258.
7. Whilst I acknowledge that planting could be inserted in front of the fence and that its new appearance would weather in time, the fence is very prominent in the streetscene and this is due primarily to its siting. The extent to which it visually intrudes beyond the flank wall of no.258 makes it particularly noticeable, especially to users of Sevenoaks Road. In addition, the open green spaces which have been incorporated into the original design of the housing estate significantly contribute to the character of the estate. The green sward which is enclosed by the fence is one of those previously undeveloped areas contributing to the open appearance. Its loss has a detrimental impact on the streetscene.
8. I therefore conclude that the development harms the character and appearance of the area and is contrary to saved policies UHT1 & UHT4 of the Eastbourne Borough Plan (2001-2011) Addendum: Saved Policies 2007 'BP' and policies B2 & D10(a) of the Eastbourne Core Strategy Local Plan 2012 'CS'.

Living conditions of occupants of 256 Sevenoaks Road

9. No.256 Sevenoaks Road has an enclosed glass front porch which faces Sevenoaks Road. The fence stands close to this main entrance to the dwelling and creates a sense of enclosure on one side of the front of the dwelling. It has resulted in an intrusive and somewhat oppressive feature which harms the outlook for the occupants of no.256 when entering and leaving the property. I conclude therefore that the development unacceptably harms the living conditions of the occupants of 256 Sevenoaks Road by reason of loss of outlook. There is also conflict with saved policy HO20 of the BP and policy B2 of the CS.

Other Matters

10. I have considerable sympathy with the fact that the appellant sought verbal advice from the Council in respect of the need to obtain express planning

permission for the fence and understood that she did not need such planning permission. There is, however, a specific statutory procedure for landowners to obtain written confirmation from local planning authorities about whether or not proposed development would be lawful/would not need express planning permission. That written confirmation was not obtained in this case. I have to consider the development of the fence on its planning merits and can only give limited weight to the prior contact that the appellant had with the Council.

11. I have considered whether the fence compromises highway safety given its location and height but, having been to the site, I have concluded that it does not harm or compromise highway safety. I note that the Highway Authority has not objected to the planning application and it does not consider the fence is a hazard.
12. I have borne in mind the understandable desire for the Whitlock family to create a safe, private and convenient play space at home for their children and I have noted offers made by the appellant to improve the impact of the fence but, overall, these factors do not outweigh the harms I have identified above.
13. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR