



Appeal Decision

Site visit made on 21 June 2018

by **Megan Thomas Barrister-at-Law**

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

Decision date: 5 July 2018

Appeal Ref: APP/T1410/D/18/3200181

29 Chaffinch Road, Eastbourne, East Sussex BN23 7SJ

- 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 Bill Plows against the decision of Eastbourne Borough Council.
 - The application Ref PC/170978, dated 27 July 2017, was refused by notice dated 15 January 2018.
 - The development is "retention of boundary fence 1.9m high as a replacement for existing trees, shrubs and hedge up to 2m high."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already taken place and plans have been submitted as part of the application process seeking retrospective planning permission for the development as shown in the plans. The fact that the fence has already been erected does not affect my consideration of the merits of the appeal.

Main Issue

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

Reasons

4. 29 Chaffinch Road is a two storey dwelling situated at the end of a terrace opposite a school. It has a rear garden and an area of land to its north which includes land to its north east. This north eastern portion is forward of the front elevation of the dwelling. Sandpiper Walk lies to the north and a public footpath separates the appeal site from nos 2, 4, 6 & 8 Sandpiper Walk. There is no vehicular access to the front of these four properties. The public footpath turns northwards and follows part of the side garden to 2 Sandpiper Walk (which has a close boarded fence on part of its boundary). The public footpath also runs southwards and follows the eastern boundary of the appeal site. 3 Sandpiper Walk lies to the south of the public footpath and shares part of its boundary with the appeal site (broadly to the north west).
5. A fence has been erected around part of the red-lined appeal site. This land includes land not owned by the appellant (which is sometimes the case with planning applications). That factor is not one which is relevant to the main

issue I have identified above and it has not influenced my consideration of the appeal.

6. The appellant has produced evidence which indicates what was on the appeal site prior to the works which are the subject of the appeal. Broadly speaking there was an outer hedge and an inner fence. The latter followed the approximate line of the front elevation of the dwelling and turned westwards to meet the existing fence on the common boundary with 3 Sandpiper Walk. There was a hedge around part of the perimeter of the appeal site and so there was a finger of land between the hedge and the inner fence, the interior of which could not be easily seen from the public realm.
7. The new fence which has been erected is partly along the common boundary with 3 Sandpiper Walk and is slightly lower than the older common boundary fence it joins. The new fence then runs around the perimeter of the appeal site heading eastwards and then turning south and then turning east so it encloses the area of the land to north and north east of the dwelling.
8. The fence is about 1.8m high. Where it adjoins the public footpath its extent and its height combine to make it domineering and unneighbourly. There is generally an open plan character to the housing estate. On the evidence before me, even with the previously-existing hedge in place I consider that the appeal site appeared more open than it is with the new fence in place. The new fence significantly detracts from the locally distinctive openness of the area. In particular, the view from Chaffinch Road from outside the school or from the footpath in front of 19-27 (odd) Chaffinch Road is harmed by the part of the fence fronting the access drive to 29 Chaffinch Road because it cuts down the previously more verdant and open vista.
9. The appellant and the occupants of 3 Sandpiper Walk highlight the fact that there tended to be criminal and anti-social behaviour on parts of the land that has been fenced off and I have considerable sympathy with that state of affairs and can understand how such activity occurred given the finger of concealed land between the former inner fence and the former hedge. However, I have balanced that and other factors such as the existence of other nearby close-boarded fences near footpaths in the area, against the harm to the character of the area and those factors do not outweigh the harm I have identified in the particular circumstances of this case.
10. I conclude, therefore, that the development significantly and unacceptably harms the character and appearance of the area and is contrary to saved policies UHT1 and UHT4 of the Eastbourne Borough Plan 2007 and policy D10A of the Eastbourne Core Strategy Local Plan (adopted 2013).
11. Having taken into account all relevant representations made including the increase in security for the appellant arising from the new fence and the previous noise caused by parents calling for their concealed children, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR