

Appeal Decision

Site visit made on 30 September 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/B1415/D/16/3153073

49 Gillsmans Park, St Leonards-On-Sea, East Sussex, TN38 0SN

- 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 & Mrs D Miles against the decision of Hastings Borough Council.
 - The application Ref HS/FA/16/00129, dated 25 February 2016, was refused by notice dated 21 April 2016.
 - The development proposed is '*Proposed fence to enclose rear garden (alternative to position approved under HS/CD/13/60111).*'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the proposal's effect on the character and appearance of the surrounding area.

Reasons

3. The appeal dwelling is a two-storey, detached dwellinghouse set within a good sized plot. Recently constructed, it occupies a conspicuous corner position at the junction of Gillsmans Park and Fernside Avenue, and its prominence is exacerbated by the openness of the side curtilage and the fact that Fernside Avenue drops away sharply eastwards.
 4. The immediate surroundings have a characteristic sense of openness due to the general plot layout within both Gillsmans Park and Fernside Avenue. In particular, the open, front lawns of Nos 27 and 29 Fernside Avenue, adjacent to the footway and immediately east of the appeal site's return frontage, provide the area with a distinct sense of place. In this context, the proposal, which would involve erecting 1.8m high close-boarded fencing close to the footway's edge would represent a development of significant materiality.
 5. In essence, the proposal involves bringing forward the intended fence enclosure from the recessed line that was approved under details pursuant to the dwelling's original planning permission. The development would, uncharacteristically, enclose this open area of garden. Indeed, I consider that
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pulling forward the fencing would have a considerable adverse impact on the area's distinct visual qualities.

6. Of particular relevance here is Policy DM1 of the Hastings Development Management Plan (DMP) which requires that all proposals for development, amongst other things, should protect and enhance local character and show an appreciation of the surrounding neighbourhood's context, patterns, plot layouts and boundaries. The proposal represents a case in point where I consider that, despite the said requirement, the scheme would indicate that little regard has been had to such factors. Although I note that it is intended to retain the existing small shrubs to front the proposed fencing along the Fernside Avenue stretch, and these would gradually mature, the measure would not mitigate against the principle of the development itself and the consequential impact arising.
7. The appellants make reference to boundary fencing erected to the front of No 25 Fernside Avenue, further down the hill, following the Council granting planning permission for such. Whilst this might, on the face of it, appear as an inconsistent approach I consider that there are material differences involved. First, the fencing is only 1.2m in height, which is only 20cm higher than that permissible under the permitted development entitlement but, most importantly, No 25 occupies a relatively flat section of land, whereas the elevated location of the appeal site and the extent of fencing proposed would give the development a heightened visual prominence.
8. The appellants have indicated that there are particular personal circumstances for which the proposal would provide benefits and they also make the point that, should the fencing be erected in its approved position, it would leave wasted space outside the enclosure which would be difficult to maintain. I have had regard to both these factors and have afforded them a reasonable degree of weight. However, even with these matters taken cumulatively, I consider that, on balance, they do not outweigh the resultant visual harm which would arise from the development.
9. I conclude that the proposal would be harmful to the character and appearance of the surrounding area and this would materially conflict with the aims and requirements of DMP Policy DM1 and the more general Policy SC1 of the Hastings Planning Strategy.
10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR