

Appeal Decision

Site visit made on 12 December 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 3rd January 2017

Appeal Ref: APP/Q1445/D/16/3160530

11 Hangleton Lane, Brighton and Hove, East Sussex BN41 2FQ

- 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 Jerjes Phillips against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2016/02165, dated 8 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is described as '*boundary enclosure to Hangleton Valley Drive and Hangleton Lane of the north and west demise of The Bungalow, 11 Hangleton Lane*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed boundary treatment on the street scene; the historical setting of the Hangleton Manor listed buildings and the character and appearance of the Hangleton Manor Conservation Area.

Reasons

3. The proposal is for a boundary wall with brick piers and cast iron infill railings to an overall height of 1.6m together with a Leylandii hedgerow along the north and west boundaries of the corner plot on the junction between Hangleton Lane and Hangleton Valley Drive. I saw on my visit that the development has already commenced with the construction of the first few brick courses of the wall, whilst the Leylandii hedge has grown to a height of 2m or more.
 4. Although there are some exceptions, including a fence on a low wall between the appeal property and the Hangleton Manor Inn and some flint walls further along Hangleton Valley Drive, most of the dwellings in the vicinity are essentially open plan with at the most very low boundary walls to enclose their front gardens. The grounds of appeal refer to the boundary enclosure of Rookery Cottage and The Cottage nearby, but these properties are set back from the road and in my view are not comparable with No. 11.
 5. As a corner property on a prominent junction, the proposed combination of wall, railings and Leylandii hedge at No. 11 would jar in the street scene as being out of character with the open and spacious character of the area. The need for privacy is referred to as a reason for the structure but most of the dwellings in
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the area do not have private front gardens and it is already clear from the Leylandii hedge that the proposed boundary treatment would draw the eye as an unwelcome and harmful departure from the established street scene.

6. I therefore conclude that the appeal proposal would have a harmful effect on the street scene and the Hangleton Manor listed buildings a short distance to the south. The character and appearance of the conservation area would not be preserved and I can see no public benefit that would outweigh the harm caused to the setting of the listed buildings and the conservation area, both of which are designated heritage assets.
7. Having regard to the above and the fact that the proposal would be in harmful conflict with Policies QD14, HE3 & HE6 of the Brighton Local Plan (Retained Policies March 2016) and the National Planning Policy Framework 2012 the appeal is dismissed.

Martin Andrews

INSPECTOR