

Appeal Decision

Site visit made on 5 April 2017

by D Cramond BSc MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/C1435/D/17/3169255

14 Views Wood Path, Uckfield, TN22 1JJ

- 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 Mary Kenney against the decision of Wealden District Council.
 - The application Ref WD/2016/2250/FR, dated 7 October 2016, was refused by notice dated 14 November 2016.
 - The development proposed is to replace existing back fence and move side fence to edge of garden without affecting the front (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has been completed; this does not alter my approach to determining the merits of the proposal

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

4. The appeal site is a relatively generous corner plot with an extended two storey semi detached home. It lies within an area of established residential character with broadly similar primarily semi-detached and terraced homes which, along with the spaces around and landscape, come together to create a visually pleasing neighbourhood of 'open plan' nature. An unusual attribute of this estate is the way in which homes typically front a footpath system set in generous swathes of public or private open landscape; car access and parking is via discreetly positioned courts to the rear, some served by short runs of tighter fenced pathway between dwellings. The proposal is as described above and embodies a fence run which is now at the edges of the side of the garden when previously it was set more closely to the house.
 5. The substantial screen fence now runs immediately alongside sections of the Views Wood Path main footway network which previously had soft landscape to either side. It makes these runs now seem uncharacteristically enclosed and visually less attractive, and it reduces the pleasure associated with their use compared to many other local walking routes. As a result of the disposition of
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the housing and the fencing this long side run is unfortunately facing directly to the main elevation of homes to the north-west and provides a poor outlook for those residents. This is exacerbated by these properties being on lower ground so occupiers have the fencing at a dominant upper level. The immediate housing layout also means that the new fencing now projects markedly forward when one looks along the open plan frontages from the south-west and south-east. It is jarring on the eye to people looking or approaching upon the paths from these directions. The scheme has simply removed the characteristic sense of space and predominance of soft landscape which is otherwise a real aesthetic trait of the principal part of Views Wood Path.

6. Saved policies HG10 and EN27 of the Wealden Local Plan and Policy SP013 of the Core Local Strategy are relevant. Taken together and amongst other matters, they seek to ensure that development is of high quality design, would be sympathetic to its surroundings and local landscape and would create attractive living environments. I conclude that there is conflict with these policies. Similar objectives to the policies are also found within the Wealden Design Guide and the scheme runs contrary to that, albeit this document could not be expected to cover every eventuality.

Other matters

7. I understand the wish for extended enclosure of this garden area particularly given the range of anti-social problems in the past and the difficulties found in the past with the use of shrubs. The Appellant did seemingly reasonably ask the question about erecting new fencing and it is unfortunate that there initially appears to have been incorrect information or a misunderstanding about the planning controls relating to boundary treatments on this estate. The Appellant properly made a retrospective planning application.
8. I appreciate that some neighbours have no objection to the scheme although the Council did receive objections from one local household and the Town Council. I have considered other boundary enclosures referred to by the Appellant. However I found none to be directly comparable in terms of location or form and I saw no clear 'precedent'. On the contrary the estate almost over-whelming has maintained open plan characteristics and landscape 'softening' where fences or walls are necessarily erected for privacy. In any event with or without other instances I must determine the scheme before me on its own merits. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal has unacceptable adverse effects on the character and appearance of the locality. Accordingly the appeal is dismissed.

D Cramond
INSPECTOR