

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: 27th April 2017

Appeal Ref: APP/Z3825/D/17/3168658

Church Cottage, Church Street, Henfield, BN5 5NT

- 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 Patrick Richards against the decision of Horsham District Council.
 - The application Ref DC/16/2056, dated 9 September 2016, was refused by notice dated 1 December 2016.
 - The development proposed is the erection of a picket fence within the curtilage of a Grade II Listed Building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a picket fence within the curtilage of a Grade II Listed Building at Church Cottage, Church Street, Henfield, BN5 5NT in accordance with the terms of the application, Ref DC/16/2056, dated 9 September 2016.

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 host property, its setting and the locality.

Reasons

Character and appearance

4. The appeal property is an attractive two storey semi-detached timber framed dwelling which is a Grade II Listed Building set within a Conservation Area. It has a modern outbuilding and hard surfaced driveway to its south side. The wider area is one of considerable charm and variety with residential uses in a variety of generally historic properties surrounding St Peter's Church. Church Cottage is served by a short informal cul-de-sac and the aesthetic qualities of this part of the Conservation Area are marked. The appeal proposal is for timber fencing (comprising picket with trellis) to be set between the principal garden area and the driveway / outbuilding part of the site.
 5. The site lies within the Henfield Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act
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- 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the same Act sets out the need to have special regard to the desirability of preserving the setting of a listed building.
6. The Council is concerned that the fencing appears to create a separate parcel of land contrary to the character, townscape context and historic layout associated with this listed building and its setting and surrounds. The Appellant underlines that the fence is sought for dog control and argues that this type of fence is fairly typical locally, is visually low key and follows the line of a lower wall in any event.
 7. It is certainly not unusual for a driveway to be separated to a degree from a main garden and indeed the adjoining semi-detached property has this arrangement with a picket fence. Such fencing is found fairly frequently locally and a trellis arrangement is not particularly unusual or aesthetically disturbing. The boundaries of the appeal property's whole curtilage are much more substantially defined by significant screening and this modest arrangement is seen in that context.
 8. In my opinion the appeal scheme does not make the southern area look like a separate parcel. The fence in question is relatively open in character and around 1.3 metres in height and it has a gate which visually and functionally links the drive to the wider garden. There has clearly been some long standing differentiation between the southern sector of the garden and the main part by a low wall and this fence literally follows that lead. To my mind the fence is not at all eye-catching or harmful to the visual merits of the scene or the historic character of the appeal property, its setting or the wider Conservation Area.
 9. Policies 32, 33 and 34 of the Horsham District Planning Framework (2015) are relevant. Taken together and amongst other matters, they seek respect for local distinctiveness, landscape character and environment generally and strive for good quality design and layout along with the preservation or enhancement of character or appearance within a Conservation Area and the protection of the setting of listed buildings. I conclude that the proposal would not conflict with these policies or the aims of S66 (1) and S72(1) of the Act.

Other matters

10. I appreciate that there has been some dialogue over the present or intended facilities which might be available within the outbuilding at the end of the drive. The Council is concerned that what it sees as increased physical separation via the appeal fencing scheme combined internal works could result in an independent unit of accommodation. However I am only determining the merits of scheme before me and I am satisfied that the fencing is appropriate in its own right *within* a wider curtilage. If the question of a separate use of the outbuilding is arising then that is another matter and it is for the Council to consider as it wishes.

Conditions

11. The Council suggests that there should be a condition that works are to be carried out in accordance with listed, approved, plans. However the structure is in situ and so this condition would not be necessary.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property, its setting or the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR