



Appeal Decision

Site visit made on 18 September 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 22nd September 2017

Appeal Ref: APP/D3830/D/17/3180239

10 Dunstall Farm Road, Burgess Hill, West Sussex RH15 8LG

- 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 Mrs Linsey Jupp against the decision of Mid Sussex District Council.
 - The application Ref DM/17/1398, dated 28 March 2017, was refused by notice dated 14 June 2017.
 - The development proposed is remove 1.8 metre high hedge and replace with a 1.8 metre high closeboarded fence, around 2 sides of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The closeboarded fence has been installed; therefore I was able to view it in place at the time of my site visit.

Main Issue

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

Reasons

4. The erection of gates, fences, walls or other enclosures between the front main or side wall of any dwelling and road has been restricted by a condition imposed upon the original planning permission relating to the residential development of this area (Council ref: D/73/263). The frontages of dwellings within this street have an open spacious character, no doubt due to the condition that is in place.
5. I observed that there are a small number of walled and fenced boundaries that have enclosed garden land between the dwelling and the road opposite the appeal site. There are also a few properties further along Dunstall Farm Road that have hedges around their frontages but this is not precluded by the condition. Nonetheless, the majority of the properties either side of Dunstall Farm Road have open plan frontages. These make a significant contribution to the visual character and appearance of this streetscene.
6. The triangular area of land is positioned at a bend in the highway. This land forms part of the continuity to the frontages along this side of Dunstall Farm

Road. Although the fence is not overly long where it abuts the pavement, the front and side fence panels are collectively prominently visible in public views along Dunstall Farm Road. Enclosing this land has removed the open character to this part of the streetscene and has broken the rhythm of openness to the frontages along this side of the street. In contrast to the grass and landscaped frontages the fence is a stark and highly visible feature which appears as an incongruous projection of built development. As a result the fence is visually harmful to the open character and appearance of this area.

7. I acknowledge the existing fence and wall that have been erected opposite the appeal site. Unlike the sites opposite, the appeal site is situated to the inside of the bend in the highway and the fence has a greater projection into the streetscene than those existing enclosures positioned on the outside of the bend. For this reason the fence has a substantially greater visual presence and correspondingly has a significantly greater visual impact than those at the opposite side of the highway bend.
8. Nonetheless, the existence of these other fence and wall enclosures does not justify the creation of an additional visually harmful enclosed in this area. In addition, I note that the newness to the appearance of the fence will dull over time and climbing plants could soft its appearance. However, I do not consider these would overcome the harm identified.
9. I appreciate that the appellant wishes to provide a durable fence to ensure a safe and secure environment for her children and that the land is in her ownership. I also note that a fence would remove issues relating to a hedge overgrowing and harming the pavement and that it would prevent trespass, fly tipping and dogs from entering the garden. Whilst these are attributes of the development they would primarily be for the benefit of the appellant. The harm that I have identified would be permanent and is not outweighed by the appellant's particular circumstances.
10. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy B1 of the Mid Sussex Local Plan 2004 and the Burgess Hill Neighbourhood Plan 2016 that seek a high standard of design and layout and to respect the character of the locality, amongst other matters. The proposal would also be contrary to the aims of the National Planning Policy Framework (the Framework) to secure high quality design and take into account the character of different areas. For the same reasons as above I give moderate weight to Policies DP1 and DP24 of the submission District Plan and conclude that the proposal would run contrary to its objectives to secure high quality design which appear to be broadly consistent with those of adopted Policy B1 and the Framework.

Conclusions

11. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR