



Appeal Decision

Site visit made on 2 December 2019 by Thomas Courtney BA(Hons) MA

Decision by P J Davies BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/C1435/D/19/3234880

Sindlesham, Firwood Rise, Heathfield, East Sussex TN21 8LX

- 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 Jeremy Smith against the decision of Wealden District Council.
 - The application Ref WD/2019/0689/F, dated 29 January 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the replacement of the existing fence bordering Firwood Rise along the northern boundary of "Sindlesham".
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing fence bordering Firwood Rise along the northern boundary of Sindlesham, Firwood Rise, Heathfield, East Sussex, TN21 8LX in accordance with the terms of application Ref WD/2019/0689/F, dated 29 January 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Doc A-Rev 1 Existing Fences & Gate, Doc B - Rev 1 Proposed Replacement Fences & Gates, Doc C- Rev 1 Trees & Hedges Plan, Doc D- Rev 1 North Fence Elevation, Doc E- Rev 1 Side Fence & Gates Elevation, Doc G- Site Location Plan, Doc H- Fence Line Plan.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

4. The existing timber fence is constructed along the northern boundary of the appeal site as well as along part of its eastern boundary. The property, known as 'Sindlesham', is accessed on its eastern boundary off a driveway it shares with the neighbouring property known as 'High Timbers'. The surrounding area
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is residential and verdant, characterised by high hedges fronting Firwood Rise. I also observed other timber fencing in the vicinity.

5. The replacement of the existing horizontally-slatted timber fence and gate with close-boarded timber fencing and gate would, according to the Council, appear prominent and incongruous. I do not concur with this view as I see no material worsening of the current situation. The Council accepts that the existing fence has been in situ for more than 4 years, and I saw that in any case it is compatible with its surroundings. The proposed fence would be only marginally higher than the existing and whilst it would be solid as opposed to semi-transparent, it would be softened by the hedge behind. Given its similar form, height and length, the proposed fence and gate would appear innocuous and would not fundamentally alter the character or appearance of the area. The use of timber would result in a soft natural material that would blend in with the verdant qualities of the area. Although other timber fences in the locality are not viewed in the immediate context of the site, the proposal would not be an untypical feature of this suburban location and would not therefore appear unusual or out of place. I do not find that it would have an adverse visual impact. Furthermore, Firwood Rise would retain its sylvan appearance by virtue of the mature trees and other remaining hedges nearby, in particular the tall hedging along the northern side of the road which would remain dominant in the street scene.
6. I have had regard to concerns of precedent, however, the proposal in this case replaces an existing fence. For a precedent to be set, circumstances would need to be very similar and it would be open to the Council to demonstrate in the individual circumstances of any other case that harm would be caused.
7. Overall, I conclude the development would not have a detrimental impact on the character or appearance of the area and would not conflict with Saved Policy EN27 of the adopted Wealden Local Plan (1998), Policy BED1 of the emerging Wealden Local Plan (2019), the Wealden Design Guide (2008) and the National Planning Policy Framework (NPPF) which all require that proposals are well designed and respect local distinctiveness.

Recommendation

8. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's recommendation and on that basis the appeal is allowed.

P J Davies

INSPECTOR