
Appeal Decision

Site visit made on 25 February 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/U1430/D/19/3243429

64 Cooden Drive, Bexhill-on-Sea, East Sussex TN39 3AX

- 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 Seth Bowen against the decision of Rother District Council.
 - The application ref RR/2019/1647/P, dated 7 August 2019, was refused by notice dated 1 November 2019.
 - The development proposed is cladding of existing wall with fence panels, fitting new solid gates in the driveway and pedestrian entrances, increasing the overall height by 500mm.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the fence and gates on the character and appearance of the area.

Procedural Matters

3. The words '*...screening the front garden of the property from the road and pavement to make a safe environment for children to play confidently and safely...*' have been removed from the banner heading as these are not a description of development.
4. The fence and gates have been erected. Therefore, the proposal is for their retention.
5. The Development and Site Allocations Local Plan was adopted by Rother District Council on 16 December 2019. It supersedes the saved policies from the Rother District Local Plan 2004. I have determined the appeal on that basis.

Reasons

6. Cooden Drive is a broad, straight road fronted to either side by detached houses and bungalows. The properties are of varied design but are uniformly set back from the road frontage, those on the northern side more than those on the southern side. Their front gardens are generally defined by low walls and fences, some with hedging above. These allow views of shrubs and other greenery in the front gardens and give a sense of spaciousness that complements the character and appearance of the wide road.

7. The fence and gates subject of the appeal interrupt the general appearance of the road frontage. Although only half a metre taller than the original wall, that additional height is enough to make the new fence and gates noticeable in the street scene, and incongruous when viewed against the other lower forms of boundary treatment prevalent along the road. The hard appearance also contrasts with the predominantly softer forms of front boundary treatment which in many cases incorporate hedging and shrubs.
8. Attention has been drawn to other examples of fencing and gates in the vicinity, including three fronting Cooden Drive, four on corner plots fronting or partly fronting Cooden Drive, and one further corner plot on an adjacent road at the junction of Richmond Avenue and Terminus Avenue.
9. The front boundary at 68 Cooden Drive is a lower wall with open trellis that does not have the same visual prominence as the appeal scheme. Those at 72 and 74 Cooden Drive are lower than the appeal scheme and their appearance is also softened by shrubs and trees. The examples on corner plots are somewhat different in that depending on how the properties are orientated, at least one frontage acts as a side boundary, where a degree of higher screening is normal.
10. I do accept that these examples of boundary treatments in the area exhibit something of the visual hardness I have identified with the appeal scheme, although in my view not to the same extent. Importantly, they are infrequent examples and not characteristic of the low walls and fences backed by hedging and other greenery that are prevalent along Cooden Drive. Were front boundary fences of the height and solidity of the appeal scheme to become common along the road, they would individually and cumulatively erode the character and appearance that Cooden Drive currently enjoys.
11. It has been argued that the appearance of the fence would soften over time as it aged, and that planting could further mitigate its visual impact. However, the colour of the fence, either through ageing or by painting, would not change its height nor its hard appearance. If planting were carried out behind the fence it would take a considerable amount of time to grow above it, and still would not conceal the height of the fence. Similarly, I do not envisage ivy and other climbing plants being able to soften the frontage in such a way as to adequately mitigate the visual impact of the fence.
12. As a result of the height and hard appearance of the fence and gates I conclude that the development harms the character and appearance of the area, and conflicts with policies OSS4 and EN3 of the Rother Local Plan Core Strategy 2014 and policies DHG9 and DHG11 of the Development and Site Allocations Local Plan 2019, which collectively seek to protect the character and appearance of the area and require the design of new boundary treatments to be consistent with the character of their locality.

Other Matters

13. Other arguments that have been put forward in support of the development are that it contributes to a safe and secure environment for children at play in the front garden and for visitors to the property, adds privacy, improves safety, and reduces light pollution to the front windows of the house from the headlights of cars using St Augustine's Close. Because of the position of the

house on the plot, the front garden is by default also the main area for recreation.

14. These are all understandable arguments but do not justify causing harm to the character and appearance of the wider area. There may be ways they can be achieved without a tall fence and gates, for instance through planting along the front boundary. The fence and gates as erected are not necessary to provide a reasonable level of amenity to the property, as can be seen from the many properties along Cooden Drive with low front walls and fences, including those on the northern side with short rear gardens. The personal circumstances of the current occupier are not sufficient to outweigh the harm identified above.

Conclusion

15. For the reasons given above, the appeal is dismissed.

Guy Davies

INSPECTOR