
Appeal Decision

Site visit made on 20 July 2020

by C Jack BSc MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/Q1445/D/20/3252698

4 Woodruff Avenue, Hove BN3 6PF

- 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 Layth Hamza against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00439, dated 6 February 2020, was refused by notice dated 8 April 2020.
 - The development is erection of a boundary fence and sliding gate system and external redecoration with full applied planting / landscaping scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description given on the application form indicated that the boundary fence and gate system were 'part retrospective'. I saw during my visit that the front and side boundary fencing has been erected and the sliding gate has been installed, but no associated planting or landscaping, either natural or artificial, has taken place.
3. Amended plan HB/4WA/01B was provided with the appeal to correct a drafting error in relation to height. I am satisfied that the nature of the development is not changed as a result and thus there would be no prejudice in considering that amended plan in determining the appeal, which I have done.

Main Issue

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

Reasons

5. Woodruff Avenue is a pleasant, tree-lined street principally comprising residential properties in a variety of styles and materials. Boundary treatments along the street are similarly varied, including walls, fences and railings of differing heights, styles, and materials, as well as some hedges. Whilst varied, most boundary treatments in the locality are of generally traditional appearance.
6. The replacement fencing, with a pedestrian gate, around the frontage area of 4 Woodruff Avenue stands out to a degree in this context, mainly because it is painted black and, unlike many other boundary treatments nearby, the expanse is not interspersed with any vegetation. However, the natural grain

- and texture of timbers used is visible through the paint, which gives it a generally consistent with other boundary treatments and materials nearby.
7. Furthermore, the appellant is willing to add planting to the fence, which would help to integrate and soften its expanse into the street scene. I saw that the fence is situated adjacent to the paved footway on one side and, it appears, a surfaced drive on the other. This may limit the scope for natural planting, and no specific details or suggested planting scheme are before me. I am not persuaded on the evidence before me, and from my visit, that the appellant's alternative suggestion of artificial vegetation would successfully integrate into this street scene, where I saw no existing examples of artificial planting.
 8. Nonetheless, had I been minded to allow the appeal, a suitable scheme of natural planting could have been secured by condition. On this basis, I consider that, while the fence is taller than many other boundary treatments nearby, it's natural textures with some softening by natural vegetation would ensure that no significant harm would result from the boundary fence.
 9. However, the sliding gate, which is mainly brown in colour and with some woodgrain effect to its finish, appears to be made from coated metal rather than natural timber. It has a notably smoother and more uniform appearance than the more textured nature of the fence. This, coupled with the significant size of the sliding gate and its position abutting the footway, gives it a stark and unvaried appearance in the street scene. As such, it is generally out of keeping with other boundary treatments nearby and detracts from the overall character and appearance of the area to a harmful degree. Given the sliding motion of the gate, it would not be practical or effective for it to be screened or softened by planting or other greenery.
 10. In light of this, I conclude that the development harms the character and appearance of the area, contrary to Policy QD14 of the Brighton and Hove Local Plan 2005, which among other things seeks to ensure that alterations to existing buildings are well designed, sited and detailed in relation to the surrounding area. It would also be contrary to the aims of the National Planning Policy Framework in respect of achieving well-designed places.
 11. The Council's decision notice also refers to Policy CP12 of the Brighton and Hove City Plan Part One 2016, which relates to Urban Design. It is not clear whether the appeal site lies within one of the areas identified in that policy to be conserved. Either way, my findings above would be unchanged.

Other Matters

12. I note the images from CCTV apparently capturing incidents of anti-social behaviour and intruders at and near the appeal site. I also note that the flat panel design may deter climbing. While I understand the appellant's significant security concerns, this does not outweigh my finding that the sliding gate is harmful, which would not be mitigated by a condition to require greenery.

Conclusion

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

Catherine Jack

INSPECTOR