

# Appeal Decision

Site visit made on 28 June 2021

**by Kenneth Stone BSc (Hons) DipTP MRTPI**

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

**Decision date: 07 July 2021**

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**Appeal Ref: APP/Q3820/D/21/3270927**

**1 Dempsey Walk, Ifield, Crawley RH11 0LW**

- 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 Alex Mathew against the decision of Crawley Borough Council.
  - The application Ref CR/2020/0715/FUL, dated 6 November 2020, was refused by notice dated 5 February 2021.
  - The development proposed is described as the demolition of an existing garden wall and replace part of boundary fencing.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The Local Planning Authority decision notice has an expand description of development which adds detail of the fencing to be replaced and of that to be provided. This is reflected in the appeal form. However, these details are evident within the plans and application information and the original description adequately identifies the proposed development.

## Main Issue

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

## Reasons

4. The appeal site, No 1 Dempsey Walk, is located at the junction of Rusper Road and Ifield Green. The houses in Dempsey Walk are separated from the main carriageways by landscape buffers including grassed and treed areas and are bounded by a pedestrian footway. The properties in this section of the road are part of a relatively modern original development which incorporated a consistent boundary treatment of low railings to the front and sides of the properties to create a specific design feature and integrate the properties in a coherent design with unifying features.
5. The existing property has a low railing around its side and front boundary given its corner location. The space between the boundary and house is landscaped and the main garden is enclosed by a high boundary wall set in line with the main flank wall of the property. This, in combination with the adjacent landscaped areas provides a pleasant attractive character to this section of the street scene.

6. The proposed development would remove the majority of the flank post and rail boundary treatment and replace it with a 1.8m solid means of enclosure (a concrete fence); the existing garden wall would be demolished to expand the rear garden area into the newly enclosed space. This would expand the rear garden area for the occupier of the property but enclose the semi-public element of the amenity space that contributes to the setting of the property. The high solid boundary feature would be in a particularly prominent position, adjacent to the footway, and would appear as an excessively assertive feature, dominant and incongruous in this locality. The enclosure of the side amenity space would negatively impact on the appearance of the street scene and undermine the consistent coherent boundary treatment for the properties of which this property forms a part and which add a positive contribution to the appearance of the area.
7. The height, scale, materials and siting of the proposed fence would be an alien intrusion in the street scene and result in material harm. This harm would not be overcome by changing the material, to for example brick as suggested by the appellant, as that does not address the scale, height and imperforate nature or siting of the fence.
8. For the reasons given above I am satisfied that the proposed development would result in material harm to the character and appearance of the surrounding area. It would therefore conflict with policies CH2 and CH3 in the Crawley Borough Local Plan 2015-2030 and the Urban Design Supplementary Planning Guidance. These require, amongst other matters, development that responds to and reinforces locally distinctive patterns of development and landscape character and which integrate, protect and enhance important features which make a positive contribution to the area. These features include: views, landmarks, footpaths, rights of way, trees, green spaces, hedges, other historic landscape features or nature conservation assets, walls and buildings. These objectives are consistent with the National Planning Policy Framework and in particular paragraph 127.

### **Other matters**

9. The applicant has pointed to a recent car accident that has damaged the existing railings in part justification for the new fence. However, there has been no demonstration of a risk assessment or alternative proposals explored to address such risks. The area where the damaged railings are located is more towards the front of the property and the limited damage did not appear to affect the house, the rear garden, its wall or private useable areas of the property. As such while I acknowledge and have regard to the concern it is not of such weight to overcome my concerns regarding the effect on the character and appearance of the area.
10. The dismissal of the appeal does not infringe the appellant's Human Rights, in particular with regard to Article 8 of the Human Rights Act 1998, the right for respect to his private and family life and home, which the appellant asserts would be safeguarded by the proposal. It would not deny, remove or interfere with those rights; the property could continue to be occupied and enjoyed as a family home as originally designed and laid out with none of the existing features removed or denied. In any case an appropriate and proportionate balance is struck between the private interest of the individual and the wider

public interest in safeguarding the character and appearance of the surrounding area which is a legitimate planning policy aim for the area.

**Overall conclusions**

11. The proposed development would result in material harm to the character and appearance of the area. The scheme conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate.
12. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR