



Appeal Decision

Site Visit made on 23 September 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/L3815/D/21/3276963

2 Kestrel Close, East Wittering PO20 8PQ

- 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 Linda Phillips against the decision of Chichester District Council.
 - The application Ref EWB/21/00502/DOM, dated 17 February 2021, was refused by notice dated 13 May 2021.
 - The development proposed is: To extend the height of the boundary fence to the road side of the bungalow from 1 metre high to 2 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is on the roughly south east corner of Kestrel Close, where it meets Cormorant Way. The development in the immediate area has an open plan layout that is mainly characterised by detached and semidetached bungalows of similar styles and 2 storey terraced dwellings that are set back from the roads and footpaths in mainly open front and side gardens. The openness and greenery in most front and side gardens adjoining the public highway contribute positively to the sense of place.
4. On the roughly north east side of Cormorant Way, the side boundaries of the back gardens of the dwellings at 14 Cormorant Way, opposite the site, and 1 Plover Close, which backs onto the site, are defined by tall brick walls that are set back from the footpath in Cormorant Way, leaving an open grassed area between the footpath and the wall. The flats at 20 to 27 Sandpiper Court, roughly opposite the site in Cormorant Way, are also set back from the road in mainly open front gardens.
5. The street-facing side of the back garden of 2 Kestrel Close is enclosed up to the back edge of the footpath in Cormorant Way. Even so, its present low timber fence, which increases in height at the sides to meet the appeal bungalow and the common boundary with 1 Plover Close, and nearby planting within the back garden, maintain some of the important verdant openness in the Cormorant Way street scene. By contrast, due to its form, siting, height, scale, and detailed design, the proposed fence would be a harmfully dominant

and intrusive feature that would unacceptably erode the important verdant openness in the Cormorant Way street scene, to the significant detriment of the character and appearance of the locality.

6. There are tall boundary treatments to the street-facing sides of the back gardens of 12 Kestrel Way and 12 Plover Close. However, the fencing panels at 12 Plover Close appear to reflect the line of its brick garden wall, and they respect the alignment of the corresponding side wall to the back garden at 1 Plover Close. The tall fencing panels at 12 Kestrel Way are similarly set back from the nearby pavements, leaving open grassed areas at the front and side between the pavement and the fence. Thus, in both cases, there are open grassed areas between the pavement and the fence, which maintain the important local open plan character. So, whilst the Council says that the boundary treatments at 12 Plover Close and 12 Kestrel Way may have become lawful through the passage of time, their circumstances differ materially from the proposal before me.
7. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance. Tall boundary treatment may be possible elsewhere within the site, to deal with the appellant's concerns about privacy, security, views of parked cars and litter. However, that would require a separate application to be made to the Council in the first place.
8. I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 which seeks a high standard of design and to respect and where possible enhance the character of the surrounding area, in terms of its form, siting, layout, scale and detailed design, and chapter 12 of the National Planning Policy Framework (Framework) which aims to achieve well-designed places, including to ensure that development will add to the overall quality of the area, is sympathetic to local character, including the surrounding built environment, and to maintain a strong sense of place.

Conclusion

9. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
10. For the reasons given above, the appeal should be dismissed.

J Reid

INSPECTOR