



Appeal Decision

Site Visit made on 13 October 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 NOVEMBER 2021

Appeal Ref: APP/P1425/D/21/3276502

10 Chene Road, Peacehaven, BN10 8XG

- 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 Tracy Pryor against the decision of Lewes District Council.
 - The application Ref LW/20/0737, dated 29 October 2020, was refused by notice dated 22 April 2021.
 - The development proposed is fence installation and general landscaping works involving laying patios and forming pergolas and retaining walls.
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Decision

1. The appeal is allowed, and planning permission is granted for fence installation and general landscaping works involving laying patios and forming pergolas and retaining walls at 10 Chene Road, Peacehaven, BN10 8XG in accordance with the terms of the application, Ref LW/20/0737, dated 30 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 01, 02B, 03B, 04B
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.

Preliminary Matters

2. It is not in dispute that some development has been carried out. For the avoidance of doubt, the fact that development has occurred has no bearing on my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of neighbouring occupiers with particular regard to the pergola and fencing on and around the earth mound, and the effect on biodiversity with particular regard to the fence.

Reasons

Character and Appearance

4. 10 Chene Road is part of a cluster of houses and these plots have a clearly domestic appearance and character. This residential development is within a wider area of open land, however the dwellings, including the appeal site, are distinct from the countryside which surrounds them.

5. The host property is a recently constructed house. Land levels slope downwards from Chene Road. There is a bank of land at a similar level to the ground floor of 10 Chene Road at the end of the garden to 12 Chene Road on which the pergola would be located. A hedge currently provides the boundary treatment in this location. The land then slopes steeply downwards to a basement level patio.
6. The appearance of the proposed timber fence would be characteristic of domestic boundary treatment. It would be a maximum of 2m high although, due to the slope of the land, for part of its length this height would increase by over 0.8m from the original line of the embankment prior to 2016. However, in the context of the topography of this site, this height would not appear excessive. The fence would therefore be appropriate in appearance to the residential character of this site.
7. The pergola would be a single storey, open lightweight structure. Although it would be wide, these qualities would ensure it would not appear dominant. It would be visually and functionally linked to the main dwelling and consequently it would be appropriate to this domestic setting.
8. Therefore, the pergola and fence would not have a harmful effect on the character and appearance of the area. As such, the proposed development would be in accordance with Policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 May 2016 (the Core Strategy) and Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020 (the Local Plan) which together require high quality design from all new development, amongst other things.

Living Conditions

9. The pergola and fencing would be some distance from the rear of the property at 12 Chene Road. The proposed fencing would limit intervisibility between No. 12 and those using the pergola and raised patio.
10. Furthermore, I have taken into account the moderate height of the fence and lightweight and open structure of the pergola, combined with its distance from the dwelling at no. 12. As such, even given the change to ground levels, height and scale proposed, it would not cause a harmful loss of light or outlook to this property or its garden. Nor would it be excessive or dominant in this context. Whilst the view from 12 Chene Road would change, for the reasons set out above, this would not be unacceptably harmful to the living conditions of the occupiers of this dwelling.
11. As such the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers. Consequently, it would be in accordance with Policy DM25 of the Local Plan which, in part, requires no unacceptable adverse impact on the amenities of neighbouring properties.

Biodiversity

12. I am not provided with any specific detail as to how the fence would be harmful to biodiversity. It may prevent the free passing of wildlife from the surrounding open land into and through this garden. However, there are gaps under parts of the fence panels which would allow access.

13. Consequently, the proposed development would not be harmful to biodiversity. As such it would not be contrary to Core Policy 11 of the Core Strategy which, in part, seeks to conserve and enhance wildlife.

Conditions

14. I have considered the Council's suggested conditions. In the interests of certainty, a condition to define the plans with which the scheme should accord is attached. In terms of the materials, there is no original fence that this could be matched to and the proposed materials are clearly annotated on the drawings. As such, the proposed materials condition has been edited for clarity. Consequently, a condition requiring the scheme to be built in accordance with the specified materials would be necessary to preserve the character and appearance of the area. Development has commenced, therefore the standard implementation condition is not required.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR