
Appeal Decision

Site visit made on 18 January 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/C3810/W/21/3278112

32 Lime Avenue, Aldingbourne PO20 3UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss Victoria Martin against Arun District Council.
 - The application Ref AL/42/21/HH, is dated 2 April 2021.
 - The development proposed is to erect a fence along the boundary of the property to the east side.
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Decision

1. The appeal is allowed and planning permission is granted to erect a fence along the boundary of the property to the east side at 32 Lime Avenue, Aldingbourne PO20 3UF, in accordance with the terms of the application Ref AL/42/21/HH, dated 2 April 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ReQuestaPlan Ref TQRQM21119180653929 titled "Location Plan"; ReQuestaPlan Ref TQRQM21119180653929 titled "Existing Fence Line Marked in Red"; ReQuestaPlan Ref TQRQM21119180653929 titled "Proposed Fence Line Marked in Red"; and drawing titled "Elevation Plans 32 Lime Avenue PO20 3UF".
 - 3) The colour of the fencing hereby permitted shall match that of the existing fence panels situated along the eastern boundary of No.31 Lime Avenue.

Procedural Matter

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.

Main Issue

3. The Council failed to determine the planning application within the prescribed period. The Council's Statement of Case confirms that it did issue a decision after the submission of the appeal, and prior to the appeal being made valid.

The Council's Officer Report, to be read in conjunction with its Statement of Case, confirms the Council's reason for refusal.

4. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The site lies on the west side of Lime Avenue, a spine road within a suburban residential area. The road is characterised by detached two-storey houses with open plan frontages onto the road and its tributary elements. Front gardens are generally soft-landscaped and either completely open or set behind low frontage hedging. As such, the area has a pleasant, spacious and green character.
6. The appeal property is located in a corner position, so that it directly faces one of the smaller branch roads leading off Lime Avenue, with its east side elevation facing the principal throughfare. In common with a number of other similarly positioned properties, the road-facing side boundary is predominantly enclosed by a solid enclosing structure providing privacy to the rear garden. In the case of the appeal property this comprises a low brick wall with brick piers and panel fencing above, which extends from approximately halfway down the side of the dwelling to align with the end of the rear garden of the property. the fencing/walling then continues southwards in a similar manner alongside the rear garden of No.31.
7. During my site visit, I observed other examples of enclosing boundary walls/fencing of a similar height to that of the appeal scheme, adjacent to other corner plots within the street. These include the properties at Nos. 17 and 37, and, as approved in August 2020¹, at No.12. These structures are located at the southern end of the road within close proximity of the appeal site. I also saw that the side boundary of No.3, at the northern end of the road, is enclosed in a similar manner, and that this structure is sited in a visually prominent position near a bend close to the road entrance.
8. These walls/fences are positioned immediately adjacent to the back of the footpath, without any intervening landscaping separating them from the public highway. They comprise an integral part of the townscape, and, as they relate to corner-positioned properties, they have not resulted in the enclosure of open plan frontages. As such, they have not compromised the prevailing overall spacious and open character of the road.
9. The appeal scheme would be similarly sited in relation to the host property. Although it would result in the loss of a soft-landscaped area adjacent to the highway, this open land has been laid to grass, with no additional shrub or tree planting. As such, and having regard to its relatively narrow width in relation to the highway, I find that it makes a very small positive contribution to the overall quality of the townscape.
10. Having regard to the existing hard boundary treatment along the side of the appeal site, and elsewhere within the road, together with the proposed retention of the frontage openness of the appeal site, I find that the appeal scheme would comprise an appropriate form of boundary treatment in this

¹ Ref AL/47/20/HH

particular location. It would not appear unduly incongruous within the street scene or harmful to the visual amenities of the locality.

11. For the above reasons, I therefore conclude that the proposal would not result in significant harm to the character and appearance of the area. As such, the proposal would accord with Policy D DM1 of the *Arun Local Plan 2011 – 2031* (2018) and the *Arun District Design Guide Supplementary Planning Document* (2021), in so much as this policy and guidance require new development to achieve a high standard of design and respect the character of the surrounding area, and for forms of enclosure to be suited to their location and role.
12. For similar reasons, the proposal would also accord with Chapter 12 of the Framework, which requires high quality design.

Other Matters

13. I acknowledge the third party concerns in respect of harm to the living conditions of the occupiers of neighbouring properties, having regard to outlook impacts. The proposal would be sited sufficiently distant from, and orientated in relation to, the closest residential properties, so that it would not have a materially harmful impact on the outlook from these properties.
14. I note the third party concerns in respect of highway safety. The Council has raised no objection in this respect, and following my site visit, having regard to the proposed positioning of the fencing, and low prevailing traffic speeds within the vicinity of the site, I am satisfied on this issue.
15. My attention has been drawn to legal covenants in respect of the appeal site. This is not a matter for consideration under this appeal.

Conditions

16. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the national Planning Practice Guidance. Where necessary, I have amended them. In addition to the standard implementation condition, it is necessary to define the plans in the interests of certainty.
17. Having regard to the proximity of the appeal scheme to the adjacent fencing panels at No.31, and the visible location of both within the public realm, in the interests of the appearance of the area, a condition is necessary to ensure that the colour of the new fencing matches that of the adjoining fence panels.

Conclusion

18. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR