



Appeal Decision

Site visit made on 8 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/D3830/D/21/3288956

5 Frankton Avenue, Haywards Heath RH16 3QX

- 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 Brad von der Linden against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1775, dated 19 August 2021, was refused by notice dated 11 October 2021.
 - The development is "a 6 foot 6 inch high fence".
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is a corner plot by the junction of Woodridge Close with Frankton Avenue. It is within a small estate on the roughly north west side of Frankton Avenue and in the nearby part of Woodridge Close, which is mainly characterised by dwellings set in gardens with an 'open plan' layout facing the streets. Some gardens include shrubs, low hedges, and drives, but their largely open character and verdant appearance are important to the sense of place.
4. The development includes a tall close boarded fence by the back edge of the pavement around most of the roughly south east and north east facing front garden of the appeal dwelling. Due to its solid form, height and siting, the development is harmfully intrusive, and it contrasts starkly with the nearby mostly open front gardens. Moreover, due to its prominent siting by the junction, the development is an unacceptably discordant and incongruous feature in the Frankton Avenue and Woodridge Close street scenes close by.
5. The layout of the dwellings opposite the appeal site differs because they are reached by a spur off Frankton Avenue. There, the fence is partly screened by planting and within a planted strip between the spur and Frankton Avenue, so that does not weigh in favour. Tall close boarded fences are also not unusual by the sides and backs of back gardens. As the fences around the back garden of 2 Woodridge Close and the back gardens of the nearby dwellings in the appellant's photographs 1 and 2 are set back from the street in mainly grassed areas, they maintain the important local layout. The fence at Beaumont House, which is further along Frankton Avenue, beyond the site and its estate, and

other developments further away, provide little support for this damaging development because their site specific circumstances are different.

6. There is a private back garden at the site behind the dwelling, so the appellant's concerns about privacy, security of his family, pets and equipment, and litter attract little weight. Moreover, occupiers of rooms and gardens facing streets would reasonably expect lower levels of privacy than in the rooms and outdoor space at the back of their home. As it is not part of the application before me, the fence between 3 and 5 Frankton Avenue is not relevant. So, whilst all points in favour have been considered, they do not overcome the harm that the development causes.
7. I consider that the development harms the character and appearance of the surrounding area. It is contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 which seeks high quality design and respect for context, Policy E9 of the Haywards Heath Town Council Neighbourhood Plan 2014-2031 which aims to protect local character, guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD, and the National Planning Policy Framework (Framework) which aims to achieve well-designed places.

Conclusion

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

J Reid

INSPECTOR