



Appeal Decision

Site visit made on 15 February 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022

Appeal Ref: APP/M3835/D/21/3278980

6 Salvington Hill, Salvington, Worthing, BN13 3AS

- 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 Don Murphy against the decision of Worthing Borough Council.
 - The application Ref AWDM/0720/21, dated 20 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is new front boundary wall and gates.
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Decision

1. The appeal is allowed and planning permission is granted for new front boundary wall, fences and gates at 6 Salvington Hill, Worthing, BN13 3AS in accordance with the terms of the application, Ref AWDM/0720/21, dated 20 April 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The proposal includes some fence sections. I have taken this into account.
3. Since planning permission was refused the Worthing Tree Preservation Order Number 6 of 2021, 6 Salvington Hill has been confirmed. This protects birch and beech trees at the property.

Background and Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

5. The appeal site is in a built up area within the settlement boundary close to the junction of Salvington Hill and Arundel Road. The appeal side of the lower part of Salvington Hill has mainly detached dwellings with private gardens; on the opposite side is a large hospital complex. The hospital is enclosed with a tall fence on a raised bank. The front gardens of nearby houses have a variety of boundary treatments including walls, fences and hedges. There are trees and hedges in some gardens, on part of the verge that separates some front gardens from the carriageway where the carriageway narrows to a pinch point, and there is vegetation on the bank opposite. These create a verdant scene especially at times when in full leaf.
6. The proposed brick wall along the front boundary would be a maximum of some 1.85m high and would gently step down the slope. It would curve away

from the carriageway. The gates and associated fence sections would be set back and at an angle to the access shared with Nos 2 and 4 Salvington Hill. The gates and fences would be painted steel and set between brick pillars with stone copings. The close boarded fence at the other end of the proposed wall would ensure the BT pole and street lamp would be unaffected.

7. The replacement of the existing low hedge and open ranch style fence would result in some loss of openness. There would therefore be some conflict with Saved Policy H16(ii) of the Worthing Local Plan (the LP) which, amongst other things, seeks to ensure ancillary development would not affect openness.
8. The stepped design of the wall with the top layer of bricks on end would be satisfactory and, although a little taller, the proposed wall would be similar to that at No 8 so not discordant with the existing street scene. The wall would be set behind a row of shrub planting and an extra tree is proposed. Appropriate planting could be secured by condition. The Council's Tree Officer has confirmed that the wall could be constructed without adversely affecting existing trees subject to the trench being hand dug and subject to a contingency if any major or anchoring roots are found such as a lintel/raft foundation where needed. I consider these measures to be good landscape design and sufficient to ensure the verdant character of the area would not be significantly harmed.
9. The proposed gates and associated fences would be well set back from the carriageway. Accordingly they would not be so prominent or discordant as to harm the character and appearance of the street scene.
10. Subject to appropriate conditions I conclude the proposal would not have a harmful effect on the street scene. I find no conflict with those parts of Saved Policy H16 Policy of the LP; Policy 16 of the Worthing Borough Council Core Strategy 2011 or those principles of the National Planning Policy Framework that together seek to ensure development is of good architectural and landscape quality and reflects the character of the local area. I find some conflict with Saved Policy H16(ii) of the LP in terms of loss of openness.

Other Considerations

11. The proposal would increase the safety and security of the appeal property and provide better amenity space for future occupants. These are benefits which weigh in favour of the proposal.

Conditions

12. I have considered the conditions proposed by the Council and, where relevant, have amended them to reflect more closely the Planning Policy Guidance. As well as the standard condition specifying the time limits for commencement of development compliance with the approved plans is necessary to provide certainty. Materials for external surfaces of the wall should match those of the existing building in the interests of the appearance of the area.
13. The submission of a landscaping scheme is necessary in the interests of the appearance of the area. This needs to be submitted before development commences to ensure sufficient space is available for implementation. Digging of the trench by hand and provision for an alternative foundation design is necessary in the interests of the health of protected trees. As the house is

already occupied the landscaping should be completed within the first planting and seeding season following the completion of the development.

Conclusion

14. As set out above I have found there would be some conflict with Saved Policy H16(ii) in terms of loss of openness. However, I have found the proposal would otherwise not have a harmful effect on the street scene and would comply with the development plan in this respect. On balance I conclude that the benefits of increasing safety and security and providing better amenity space out-weigh the conflict I have identified with the development plan. Taking all the above into account, for the reasons given above, I conclude that the appeal should be allowed.

S Harley

INSPECTOR

Schedule of 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: Ref 2105/SR01, 2105/C01 and 2105/C02.
- 3) The digging of the initial trench to implement the development shall be undertaken by hand and thereafter inspected by the Council's Tree and Landscape Officer. If any anchor roots or roots over 25mm in diameter are found the works shall not progress any further until details of an alternative foundation design to protect the tree roots (such as a lintel or raft foundation) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the agreed details.
- 4) No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. All hard surfacing, planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

End of Schedule