



Appeal Decision

Site visit made on 20 April 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2022

Appeal Ref: APP/C1435/D/22/3290363

Charlies Place, High Street, Maresfield, Uckfield, TN22 2EH

- 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 Warren against the decision of Wealden District Council.
 - The application Ref WD/2021/1631/F, dated 10 June 2021, was refused by notice dated 18 October 2021.
 - The development proposed is for the erection of a 6FT close boarded fence at the front of the property.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The proposed fence and associated trellis were constructed prior to the submission of the appeal application. To address the concerns raised by the Council the appellant has reduced the height of the existing fence by 18 inches and readjusted its alignment in relation to the retaining wall below it. These changes have resulted in a material change in the appearance of the fence. As these changes have not been formally considered by the Council, or been the subject of public consultation I am unable to take them into account in relation to this appeal. Accordingly, I confirm that this appeal is based solely on the scheme that was determined by the Council.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene and the character, appearance and significance of the Maresfield Conservation Area (MCA).

Reasons

4. The appeal site is located just outside the MCA, which encompasses the historic core of the village, along with the recreation ground, former farm buildings, detached dwellings on spacious landscaped plots, small-scale fields and an abundance of trees. This together with the sloping topography, narrow lanes and its well wooded rural setting contributes to the character, appearance and significance of the MCA.

5. The appeal site is located to the south of the village core and on the northeast side of High Street, where the dwellings are set back from the street scene behind a combination of low walls, planted banks, hedges and trees. They partially screen the buildings and shared access drives and make a significant contribution to the verdant and semi-rural character and appearance of the street scene, this part of the MCA and its setting. This semi-rural character is reinforced by the absence of street lighting and the provision of a pavement on just one side of the road.
6. The character of the MCA changes to the north of the graveyard, where the village's historic core is characterised by a more urban form of development with buildings fronting directly onto the back edge of the pavement.
7. The appeal property is situated within a row of family sized two storey detached houses located just outside the MCA, to the south of the graveyard and on the northeast side of High Street. The dwellings are served by a single access drive, which is separated from the street by a low wall, with soft planting to the rear of it. *(For the reasons set out in paragraph 2 above this decision excludes any assessment of the existing fence to the front of the appeal property)*. On the opposite side of the road is a steep bank planted with trees and ground cover. These boundary features all contribute to the semi-rural appearance of the street scene, this part of the MCA and its immediate setting.
8. Together, paragraphs 195, 199, 200 & 202 of the National Planning Policy Framework (the Framework) state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. Together Spatial Planning Objectives SPO1, SPO2 & SPO13 of the Wealden Core Strategy Local Plan 2013 (CS) seek to enhance and manage the distinct landscapes of the District and to protect the intrinsic quality of the historic environment. They also promote local distinctiveness through good design. CS Policy WCS14 promotes a presumption in favour of sustainable development, which includes improvements to the environmental condition of the area.
10. Policy GD2 of the Wealden Local Plan 1998 (LP), states that development outside development boundaries will be resisted unless it is in accordance with specific policies within the LP. LP Policies EN27 & DC19 seek to ensure that development respects the character of adjoining development and is not intrusive in the landscape.
11. Amongst other things paragraph 130 of the Framework requires proposals to be sympathetic to local character and history, including the surrounding built environment and landscape. Chapter 3 Part 16 of the Wealden Design Guide 2008 (WDG Pt16), advises that native hedges are preferable to close-boarded fences and help preserve rural character.
12. The Council has also referred to LP Policy EN19 which states that within conservation areas proposals that do not preserve or enhance their character

or appearance will be resisted. As the appeal site falls wholly outside the MCA it is not directly relevant to the proposal.

13. The proposed fence would be six feet tall and would stretch across the full width of the property. It would be sited close to the back edge of the pavement and would occupy an elevated position just behind the low front retaining wall. Due to its position, length, height, form and suburban appearance the proposed fence would be visually stark and would have an uncharacteristic suburbanising impact on the street scene. It would be totally out of keeping with the planted banks, hedges and trees which dominate and contribute to the semi-rural character and appearance of this part of High Street and the southern part of the MCA.
14. The situation would be exacerbated by the prominent position of the proposed fence, resulting, in part, from its siting close to slight bends in the highway in both directions. Any planting to the rear of the fence would do little to reduce its harsh suburbanising impact on the street scene.
15. Whilst the harm that would be caused to the MCA would be less than substantial, it nonetheless needs to be weighed against the public benefits of the proposal. In this instance no public benefits have been cited. Also, the stated benefits for the appellant, their family and immediate neighbours resulting from screening and reducing traffic noise and pollution from their properties would fail to outweigh the harm that would be caused by the proposal.
16. Finally, I acknowledge that there is a close boarded fence in the MCA, adjacent to The Chequers Inn. However, this fence is located in the built up core of the village; is lower than the proposed fence and it is set behind some low shrub planting. As a consequence, it is not directly comparable to the appeal proposal.
17. I conclude that the proposed fence would unacceptably harm the character and appearance of the street scene. It would also fail to preserve or enhance the character or appearance of the MCA and would detract from its significance. This harm would not be outweighed by any public benefits. Accordingly, the proposal conflicts with CS Policy WCS14, CS objectives SPO1, SPO2 & SPO13, LP Policies GD2, EN27 & DC19, WDG Pt16 and paragraphs 195, 199, 200 & 202 of the Framework.

Other matters

18. Concern has been raised that the proposed fence would have an adverse impact on pedestrian and highway safety, due to restricted visibility. The proposed fence would be set in from the access road serving the appeal and neighbouring dwellings and the wall and plants adjacent to the access are modest in height. As a consequence, the proposal would not have a materially adverse impact on pedestrian or vehicular visibility of or from the access.
19. The concerns raised regarding public consultations undertaken prior to the designation of the MCA fall outside the scope of this appeal and is a matter that could be pursued through Wealden District Council. Finally, any covenants affecting the appeal property are a private matter which similarly fall outside the scope of this appeal.

Conclusion

20. Whilst I have found in favour of the appellant on some points the conclusion on the main issue amounts to a compelling reason for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR