



Appeal Decision

Site visit made on 14 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/P1425/D/21/3280058

89 Ambleside Avenue, Peacehaven BN10 7LE

- 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 Alan Harris against the decision of Lewes District Council.
 - The application Ref LW/21/0097, dated 14 February 2021, was refused by notice dated 17 June 2021.
 - The development proposed is "6 ft fence around part of the front garden, total length is 35.47 meters".
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the effect that the proposed development would have on the street scene in Ambleside Avenue.
3. The appeal site includes a bungalow on the roughly south east side of Ambleside Avenue, which, close by, is mainly characterised by dwellings of different types and styles similarly set back from the avenue in front gardens edged by low walls and fences, and drives. The openness and greenery in the front gardens on its south east side, and within the public open space on its north west side, contribute positively to the Ambleside Avenue street scene, and they are important to the sense of place.
4. Because the appeal dwelling is sited side-on to Ambleside Avenue, it also faces a wide grass strip and the footpath between the end of Balcombe Road and Ambleside Avenue to roughly south west. At the north west end of that strip, close to 87, is a shelter related to the nearby bus stop in Ambleside Avenue.
5. The appeal dwelling includes patio doors that face Ambleside Avenue and the open space, and an area of garden between the avenue and the dwelling, which is partly edged by a low wall. The proposal would enclose nearly all of that garden area from about the north west side of the dwelling up to the avenue on all 3 sides with tall timber fencing immediately behind the existing wall and by the side boundary with 91. Due to its prominent siting, tall height and solid hard-edged form, the proposal would be a harmfully discordant and unacceptably incongruous intrusion in the Ambleside Avenue street scene regardless of its colour.
6. The fences at 1 and 11 Chatsworth Close are some distance away, on the other side of the avenue, beyond the open space and the tall trees within it, and they enclose the private gardens of a courtyard development with largely open front

gardens, so they provide little support for this damaging scheme. Because almost no information about the planning circumstances of the nearby tall fences, including those at 108 Cairo Avenue and 110 Balcombe Road, has been put to me, and as they are in different streets, they attract little weight.

7. As the area of garden that would be enclosed fronts at least one public highway, it would not reasonably be expected to provide the level of privacy or security usually expected in a garden at the back of a dwelling. Occasional litter and disturbance from passers-by, whilst inconvenient, would also reasonably be expected when choosing to occupy a dwelling near a bus stop. The present occupier's personal circumstances have been considered, but as the proposal would be likely to endure long after they have ceased to be material, they do not outweigh the harm that the proposal would cause. Noise from passing traffic was not a concern of the Council, and I see no reason to disagree.
8. Therefore, I consider that the proposed development would harm the street scene in Ambleside Avenue. It would be contrary to Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies which seeks high quality design and respect for context, and the National Planning Policy Framework (Framework) which aims to achieve well-designed places and for development to be sympathetic to local character.

Conclusion

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

J Reid

INSPECTOR