

# Appeal Decision

Site visit made on 7 June 2022

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30<sup>th</sup> June 2022**

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**Appeal Ref: APP/Z3825/D/22/3297550**

**28 Portway, Steyning, West Sussex, BN44 3QF**

- 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 Rogerson against the decision of Horsham District Council.
  - The application Ref DC/21/1069, dated 9 May 2021, was refused by notice dated 23 March 2022.
  - The development is the erection of new boundary wall, with timber inserts, to the garden boundaries.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of new boundary wall, with timber inserts, to the garden boundaries at 28 Portway, Steyning, West Sussex, BN44 3QF in accordance with the terms of the application DC/21/1069, dated 9 May 2021, subject to the following conditions:

*A) Within 10 weeks of the date of this permission a scheme of planting, including a written specification of all plants to be used, shall be submitted to the local planning authority for its approval, to be obtained in writing.*

*B) All planting in the approved scheme shall be carried out in the first planting season following the approval; and any plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

## Procedural matters

2. In the interests of accuracy and conciseness I have adopted an abridged version of the Council's description of the development rather than that set out in the application form.
3. The appellant's original intention, for the reasons set out in the Grounds of Appeal, was to remove the remaining sections of hedge surrounding the property and to replace it with a new boundary wall with brick pillars inset with timber fencing.
4. However, I saw at my visit that the works had already been undertaken. I shall therefore treat the appellant's appeal as being for the retention of the works already carried out, and shall proceed accordingly.

## **Main issue**

5. The main issue is the effect of the development on the character and appearance of its surroundings.

## **Reasons**

6. The appeal property stands at the junction of Portway, one of the main distributors of the surrounding residential estate, and a short cul-de-sac, also known as Portway. The site is therefore in a fairly prominent position within the estate.
7. No information has been provided as to when the works were carried out, but the Council treated the application as a proposal, and the officer report says:

*The proposed boundary wall would enclose the existing rear and side garden and would create a significantly harder and more visible means of enclosure than presently exists at the site. It is considered there would be a harmful loss of openness in this section of Portway with the resulting boundary appearing unduly dominant and visually intrusive, at odds with the established character and appearance of the locality.*
8. Having seen the finished product, I share the Council's concern to a degree, but the works have been carried out to a reasonably high quality in terms of workmanship and materials, which include the use of horizontally slatted timber insets between the brick piers. I also noted, as the appellant points out, that roadside fencing was not an unusual feature enclosing gardens near to the appeal site, including the property on the opposite side of the junction. The boundary treatment undertaken is not therefore wholly uncharacteristic of the area; indeed, it is of a higher quality than most others.
9. On balance, therefore, I am inclined to the view that the development has not harmed the local street scene to the extent that permission should be withheld.
10. One of the justifications put forward for removing the hedge was to create more space for planting. I saw that objective has been achieved, and it would now be possible to plant in the ground just to the inside of the boundary wall. It seems to me that this would provide the opportunity to provide mitigation, and to soften the hardness of the boundary structure. In this respect climbers of an appropriate variety could be planted close to the wall and trained so as to use gaps or new openings in the slatted fence, so that in time greenery would be introduced on the road facing parts of the fence. A condition could be imposed to achieve this mitigation.
11. I therefore conclude for the reasons set out above that the development may be retained, and that any perceived conflict with those provisions of Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) directed to design and environmental quality can be overcome with appropriate mitigation.

## **Conditions**

12. Since the works have already been undertaken, the conditions suggested by the Council are no longer pertinent. But for the reasons set out previously I shall impose conditions relating to planting.

**Other matters**

13. I have taken account of all other matters raised in the representations but none outweighs those considerations which led me to my conclusions.

*G Powys Jones*

INSPECTOR