



Appeal Decision

Site visit made on 10th August 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 2 September 2022

Appeal Ref: APP/U1430/D/22/3301428

16 Sutherland Avenue, Bexhill, East Sussex TN39 3QR

- 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 Ian Wykes against the decision of Rother District Council.
 - The application Ref. RR/2022/457/P, dated 23 February 2022, was refused by notice dated 22 April 2022.
 - The development is a "1.8M front wall erected acting as a security barrier from the street to my home...."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development which is the subject of the appeal has already taken place and planning permission is applied for retrospectively. The fact that the development has already taken place does not affect my consideration of the merits of the appeal.
3. The development is described in full on the planning application form as "1.8M front wall erected acting as a security barrier from the street to my home. We have had previous problems with drunk people using the front garden leaving bottles/cigarette butts behind, including human waste. The previous wall was dangerous as people were sitting on it and was it unstable. This front wall has improved our mental health as we feel more safe and secure at home. This front wall has also reduced road noise pollution." I have shortened this in the heading box above for ease of reference.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the host dwelling and the streetscene.

Reasons

5. The appeal site is a two storey detached property located on the eastern side of Sutherland Avenue. The property has an attached garage to the flank elevation, a driveway and a landscaped forecourt. The appellant indicates that there was previously a wall at the front of the appeal site.
6. The site is set in a predominantly residential area situated within a developed area of Bexhill-on-Sea. In the vicinity of the appeal site, Sutherland Avenue is

wide with footpaths on each side, grass verges and some street trees. There are a variety of dwelling types including flats and detached properties.

7. The wall which has been built (with gaps for a driveway and a pathway) is about 1.8m high. Whilst on my site visit and from photographs supplied as part of the evidence, I have noted that there are front boundary treatments which exceed about 1.8m in height, however, the overwhelmingly predominant frontage treatment in the vicinity of the appeal site is low walls or fences. Sometimes the walls or fences have vegetation growing or planted on top of them or vegetation planted behind the walls growing up and so presenting a verdant and varied attractive vista to the Avenue.
8. The development which has taken place significantly reduces the sense of openness of the streetscene. It is visually incongruent with the vast majority of other nearby front boundary treatments. Its solidity, size and height draws the eye and highlights its incongruity. The appellant concedes that it is highly visible in the streetscene.
9. It is unsympathetic to the host dwelling which, in contrast to the unarticulated front boundary wall, has some handsome fenestration, a pleasing symmetry and some interesting brickwork.
10. I have considered whether any planning conditions could make the development acceptable but there are no such conditions that I consider could achieve that objective.
11. I am mindful of national and local policy which aims to achieve a high level of community safety and inclusive and safe places to live so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The appellant has chronicled anti-social behaviour taking place in the front forecourt area and indicates that the wall gives an increased sense of security, privacy and well being as well as reduced traffic noise. I have borne all these factors in mind but taken individually or cumulatively they do not outweigh the significant detriment caused by the wall to the character and appearance of the host dwelling and the streetscene.
12. Overall, I conclude that the development significantly harms the character and appearance of the host dwelling and the streetscene. It is in conflict with policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy (adopted 2014) and policies DHG9(iii) and DHG11(ii) of the Rother Development and Site Allocations Local Plan (adopted 2019).

Conclusion

13. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR