



Appeal Decision

Site visit made on 1 February 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/D3830/D/22/3305742

Ferndown, 1 Gander Green, Haywards Heath RH16 1RB

- 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 Alexandra Mellor-Dai against the decision of Mid Sussex District Council.
 - The application Ref DM/22/1455, dated 23 April 2022, was refused by notice dated 4 July 2022.
 - The development proposed is replace and extend wooden closed board fencing and erect matching gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description provided on the application form includes a significant amount of detail. Whilst I have taken this information into account, I have adopted a shortened version of the description above.
3. The fence and gates have been erected and I was able to see them at my site visit.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is in a residential area which is characterised by detached houses. Although there is some variety, the boundaries adjacent to the highway generally comprise low walls and fences with planting. These, combined with the Green adjacent to the appeal site, give the area an open, well landscaped character and appearance.
6. The appeal property is located within a prominent corner plot, the long edge of which runs adjacent to the front of the dwelling and the side of the garden. The fence and gates extend the entire length of this boundary at a consistent height and are positioned at the back edge of the pavement. This results in a dominant and obtrusive feature within the street scene which relates poorly to neighbouring development and is at odds with the prevailing character and appearance of the area. I note that the structures have been painted and I also accept that the gates will be open at times, however these considerations do

not overcome my concern about the harmful appearance of the development in the street scene.

7. At my site visit I noted that there are some examples of taller close boarded fencing elsewhere in the vicinity particularly at corner properties where rear/side gardens would otherwise be open to public view. However, none of these examples continue along the main frontage of the host dwelling. The fencing at 33 Gander Hill is also set behind a grassed verge which reduces its dominance.
8. The appellant considers that the fence and gates are necessary for security, privacy, and a sense of enclosure. However, I have no evidence that the fencing as constructed is the only option to achieve security, enclosure and privacy. This matter does not justify the extent of the fence and gates or overcome my concerns about their dominance in the street scene.
9. Consequently, I conclude that the proposal is harmful to the character and appearance of the area contrary to Policy DP26 of the Mid Sussex District Plan 2014 – 2031 (Adopted March 2018) and Policies E9 and H9 of the Haywards Heath Town Council Neighbourhood Plan: Our Bright Future 2014 – 2031 Made Version (December 2016). Amongst other things, these policies seek to ensure that development protects and reinforces local character including the traditional boundary treatment. It would also conflict with the Mid Sussex Design Guide Supplementary Planning Document (Adopted November 2020) where it seeks to ensure that boundary treatments should be reflective of the area. Furthermore, it would conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development achieves a high standard of design and is sympathetic to local character.

Other Matters

10. While it may be possible to replace the previous fence with one of the same height, any such boundary treatment would not be as substantial as the fence and gates which have been erected.
11. The appellant suggests that the proposals result in an improvement to highway safety through enhanced visibility. This could have been achieved without the fence and gates and as such I attach limited weight to this matter.
12. I acknowledge the appellant's frustrations with the Council however, I have considered the appeal based on its merits and in accordance with the development plan for the area.

Conclusion

13. I conclude that the proposal conflicts with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR