



Appeal Decision

Site visit made on 21 March 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/D3830/D/23/3314929

1 The Platt, Lindfield, West Sussex, RH16 2SY.

- 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 D Baylis against the decision of Mid Sussex District Council.
 - The application Ref DM/22/2743, dated 31 August 2022, was refused by notice dated 31 October 2022.
 - The development proposed is described as new fence line and proposed shed.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site, number 1 The Platt is a detached bungalow, located at the junction of The Platt and The Hollow. It has recently been extended and altered. It occupies a prominent corner plot at the entrance to The Platt with the dwelling facing on to The Platt. The estate was designed, laid out and built as an open plan estate, with open landscaped front, and in the case of corner plots side gardens.
4. The appellant proposes the erection of a new boundary fence to enlarge the private garden area by enclosing a large part of the land on the corner of The Platt and The Hollow, along with the erection of a storage shed for a use incidental to the dwelling house. On the occasion of my visit the fencing was in progress and a shed had been erected and was in use.
5. As illustrated on the application drawings a 1.8 metre high close boarded timber fence, set back some 2.0 metres from the pavement has been erected along the boundary fronting The Hollow. It returns along the frontage facing The Platt, set back about 7.2 metres from the pavement. It then turns back towards the front of the dwelling. The original 1.0 metre high post and rail fence facing The Hollow is proposed to be extended around into The Platt following the line of the back of the pavement. The appellant has also started to plant a laurel hedge between the post and rail fence and close boarded fence.

6. The shed would be a typical single storey timber garden building, about 4.0 metres long, 2.5 metres deep and some 2.5 metres high, with a mono pitched roof.
7. From the evidence I note that as part of the planning permission (ref: DM/21/4266) for the extension the relocation of the side fence closer to the boundary with The Hollow and The Platt was allowed. Accordingly, if the fence were to be erected as approved the open space on the corner would be diminished to some extent.
8. The Council in its evidence states that, as other means of enclosure already demark side boundaries elsewhere along The Hollow and as new planting is to be introduced along with the retention of the post and rail fence the proposal to move the fence closer to The Hollow would not be out of keeping within the surrounding street scene. This element of the proposal is therefore acceptable. From what I have seen and read I would not disagree with its finding.
9. The ground on which the properties in The Platt are built rises from The Hollows. Accordingly, as the proposed fence would extend beyond a point in line with the front of the building before returning to meet the dwelling, it would appear as a significant visual intrusion into the defined open character of The Platt. Important views and gaps would thereby be further restricted to the detriment of the character and appearance of the area. In this instance the reinstatement of the post and rail fence and the proposed planting would not, to my mind, overcome the visual harm created by the enlarged enclosure.
10. The shed is to be located behind the 1.8 meter high fence facing The Platt and therefore the roof of the shed would be clearly visible from a number of public vantage points, particularly as the ground rises towards the south east. Accordingly, while the design of the shed itself is acceptable because of its location in front of the building line it would be a further visual intrusion into the open space which, I consider to be important to the visual amenity and thereby the character and appearance of the area.
11. I conclude in respect of the main issue that the proposed development would, due to the position of the fence facing The Platt and the location of the shed cause significant harm to the character and appearance of the area. it would therefore be contrary to the aims of Policy DP26 of the Mid Sussex District Plan 2014-2031 (Adopted March 2018), Policy 1 of Lindfield and Linfield Rural Neighbourhood Plan, the principles of the Mid Sussex Design Guide Supplementary Planning Document SPD (Adopted November 2020) and the National Planning Policy Framework as they, along with other things, require new development to contribute positively to the private and public realm (including streets and open spaces).

Other Matters

12. The appellant contends, based on an exchange of emails with the local planning authority, that the 1.8 meter high fence facing The Platt falls to be considered as Permitted Development (PD), due to, amongst other things the distance of the fence from the road. However, it would be for the Council to formally determine in the first instance whether this is PD. Accordingly, as there is no evidence to this effect, I give this consideration no weight in my determination of the appeal in respect of the application for planning permission which included, along with other things the fence facing The Platt. Nevertheless, it

would be open to the appellant to peruse this matter through an application to the Council.

13. The appellant has drawn my attention to examples of other fences enclosing the gardens of properties on comparable corner plots to the appeal site in the neighbourhood. However, with the exception of the high hedge in front of a dwelling on the corner of The Copse and The Hollow, none of the other enclosing fences, identified to gardens on corner plots, extend to the same degree, if at all, as proposed here in front of the main façade of the dwelling. Further, even the hedge in front of the dwelling at The Copse allows for the retention of an area of open ground on the corner. I therefore give very limited weight to this consideration in respect of the proposed 1.8 meter high fence facing The Platt.
14. I understand from the appellant's evidence that neighbouring properties over time have encroached on to open land and enclosed it to form private garden space. Whatever the background to those cases, or the indeed the particular details of an appeal on a nearby site for a similar proposal (ref: APP/D3830/D/21/3288956), they are not an appropriate justification, given the harm I have identified, for permitting the further encroachment here as proposed.
15. I note the appellant's concern relating to alleged alterations to a fence and the erection of a shed at 4 The Hollow, a matter which has previously drawn to the Council's attention, and I understand is under review. This is a matter outside of the remit of this appeal and therefore I have given it no weight in my determination of this appeal, which has been made on the planning merits of the proposal before me.

Conclusions

16. I have concluded that the proposed re-alignment of the fences facing The Hollow is acceptable. However, the 1.8 metre high fence facing The Platt and the erection of the garden shed is not and would have a materially harmful effect on the character and appearance of the area. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR