



Appeal Decision

Site visit made on 23 March 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/C3810/D/23/3315157

25 Oxford Drive, Aldwick, Bognor Regis, PO21 5QU

- 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 Evija Osja against the decision of Arun District Council.
 - The application Ref AW/280/22/HH, dated 13 October 2022, was refused by notice dated 16 December 2022
 - The development proposed is the installation of a front fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the summary heading above I use the Council's description of development as it is appreciably more concise than the application form. I address the points raised in the Appellant's description below.
3. The development has been constructed; this does not alter the way in which I assess the merits of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

5. The appeal property is a semi-detached bungalow on part of a large residential estate with extensive areas of broadly similar properties. Most homes and appreciable stretches of street have an 'open plan' frontage. In this instance there are two storey properties opposite which have enclosed rear gardens running towards the road. The character of the area is established and generally consistent and the buildings, gardens and roads come together to form a locality of pleasing appearance. The appeal proposal is for a fence comprising, from the Appellant's description, concrete posts (95cm high) and wooden fence panels (6 x 180cm x 90cm) and metal gate (90x90cm).
 6. The Appellant explains how the fence was built in 2019 from an understanding that planning permission was not needed and only after a delayed complaint did the planning authority get involved. The reasons for the fence were to protect 2 children from the bus route open road, and remove issues with dogs and their mess not being cleaned up.
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7. I do sympathise with the Appellant's experiences and sentiments but I find that there is no getting away from the opinion I have reached that the fencing looks alien and ill-at-ease on this side of this stretch of road. This property was clearly part of the overall open plan estate concept, to which the vast majority of homes have adhered, and the fence looks a dominant interruption to that scene and to wider character. The projection and structure is accentuated by the even ground, the lack of any symmetry with next door or beyond, colouring, the very limited local vegetation, and the immediate footway arrangement and road alignment.
8. In the circumstances to my mind the proposal is jarring on the eye and harmful to the visual merits of the scene, in character and appearance terms. I know the decision will be disappointing not least because time, effort and finance has been spent erecting this fence. However, I do have to be fair and even handed and if I was dealing with a proposal for this nature of scheme which had not been erected, I would have dismissed the appeal.
9. Policy D DM1 of the Arun Local Plan is relevant. Amongst other matters, it seeks to ensure that development is of high-quality design with suitable materials, scale and siting to be sympathetic to the character of a site and its surroundings and to deliver landscape with an appearance which reflects the local area. I conclude that the proposal would run contrary to this policy. It would also conflict with the pertinent aesthetic objectives of the Arun Design Guide and the Aldwick Parish Design Statement, albeit neither of these documents could be expected to cover every eventuality.

Other matters

10. I understand the Appellant's wish and reasoning to fence-in the front garden at this property. I can see that thought has been given selecting what may be seen as a neutral colour and seeking to match the property. I appreciate how the differing roles of the Parish and District Councils are confusing and that differences between hedging and fencing are subjective and depend on the situation.
11. I can also see that it is easy to home-in on general 'permitted development' rights for boundary enclosures without fully understanding that they do not apply in all circumstances and it is regrettable that a 'phone conversation might not explore all facets of this.
12. I have carefully considered other examples of front boundaries which were drawn to my attention. I do not know the full circumstances of these, I have seen little or nothing of direct comparison due to siting, form, or the stretch of street, but in any event, I must assess the present case on its own merits.
13. I note the Appellant's concerns over alleged discrimination. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people. It does not however follow from the PSED that the appeal should succeed.

14.I have carefully considered all the points raised by the Appellant but taken individually or together these matters do not outweigh the concerns which I have in relation to the main issue identified above.

15.The National Planning Policy Framework has been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

16.For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR