



Appeal Decision

Site visit made on 22 March 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/C1435/D/22/3305127

33 Dunnock Lane, Hellingly, East Sussex BN27 1FR

- 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 Miss April Campion against the decision of Wealden District Council.
 - The application Ref WD/2022/0904/FR, dated 5 April 2022, was refused by notice dated 29 June 2022.
 - The development is erection of 1 metre high fence to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the initial planning application the appellant submitted an application form dated 5 April 2022 for the development as described above. However, as part of the appeal the appellant submitted a second application form dated 21 June 2022. This relates to the erection of a front fence and a shorter fence along the driveway and so appears to be a different proposal to that subject of the Council's decision and therefore this appeal.
3. The description on the Council's decision notice describes the development more succinctly than the description used on the application forms and so I have used this description of development above.
4. The fence is already in place and appears to have been erected in accordance with the submitted details. I have therefore dealt with the appeal scheme on a retrospective basis.

Main Issue

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

Reasons

6. The appeal site is located on the south side of a street of new build properties. Properties on the same side of the road in the immediate vicinity predominantly feature modest front gardens which are green, verdant and unenclosed. There is a strong sense of uniformity along this section of the street scene resulting from the consistent use of wider green spaces along one side of the road and thinner strips of soft landscaping on the other. Due to the close proximity of the houses to the road on the north side, the area relies more heavily on the

wider green spaces on the appellant's side of the street to contribute to the verdant and open character.

7. While a small number of neighbouring properties have made adjustments to their frontages, including the introduction of hard surfacing, the front garden areas remain predominantly unenclosed, contributing to the open character of the area.
8. The appeal scheme involves the enclosure of the front garden area of the host property on three sides with a 1-metre-high wooden picket fence. The height of the picket fence and the small gaps between the picket railings result in a semi-solid structure that significantly reduces the level of openness in the street scene.
9. I acknowledge that the appellant has planted hedging inside the boundary nearest the road, however, the position of this greenery behind the fence limits its ability to visually mask or soften the structure. In addition, it will take some time for the plants to reach maturity and their presence would not overcome the harm caused in the interim.
10. While the appellant has chosen a wooden fence to reflect materials used elsewhere in the local area, this does not mitigate the enclosing effect of the fence. In addition, the fencing examples highlighted by the appellant are of a more open design, with a much higher proportion of open gaps to solid structure compared to the fencing of the appeal scheme. The examples are also set in a different context, predominantly bordering paths, large areas of open space and a playground, and therefore do not result in comparable impacts on the open character of the area.
11. The appellant has mentioned that other development work and alterations have taken place on the estate, such as extensions and conservatories. I do not have the full details for these and in any case they appear to be very different forms of development.
12. The appellant has also referred to other properties with limited or no green verges bordering or to the front of these properties. However, these are the minority within the estate which predominantly benefits from verdant and unenclosed green areas.
13. Consequently, I conclude that the development has a harmful effect on the character and appearance of the area. It therefore conflicts with Saved Policies DC19 and EN27 of the adopted Walden Local Plan (1998) and the Wealden Design Guide Supplementary Planning Document (2008). Together these policies seek to ensure - amongst other matters - that development respects and enhances the character and appearance of the area. The proposal is also contrary to the National Planning Policy Framework which seeks high quality places where development is sympathetic to local character and adds to the overall quality of the area.

Other Matters

14. I understand the wishes of the appellant to provide a physical boundary around the front of the property, including for the safety of pets and to prevent unauthorised use of, and damage to, the front garden and driveway area. However, these personal benefits are not sufficient to outweigh the harms that

I have identified. Also, there may be other less intrusive ways to achieve the same aims.

15. I understand that the appellant feels that insufficient green spaces have been retained on the estate, and that the removal of permitted development rights that would allow the fencing to be retained was not sufficiently highlighted during the purchase of the dwelling. However, these are not matters relevant to my assessment of the planning merits of this appeal.
16. The Council have not raised any issues with regards to the accessibility of the picket fence in terms of its impact on wildlife, and I have no reason to disagree with the appellant's view that the fencing does not obstruct wildlife access.
17. There are no objections to the proposal from nearby occupiers and Hellingly Parish Council support the application. However, this does not change my view that the development would harm the character and appearance of the area.

Conclusion

18. For the above reasons, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

J Wellstead

INSPECTOR