



Appeal Decision

Site visit made on 25 April 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/C1435/D/22/3307110

10 Blatchington Mill Drive, Stone Cross, Westham, East Sussex BN24 5QA

- 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 Rupak Pal against the decision of Wealden District Council.
 - The application Ref: WD/2022/0437/FR dated 19 February 2022, was refused by notice dated 7 July 2022.
 - The development is erecting fence on side of property in rear garden. To provide security to property which has young family with 3 small children.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the works had been completed prior to the submission of the application. I shall therefore consider this appeal as one seeking retrospective planning permission for development as originally carried out, namely the erection of a fence.
3. Although all the details have not been provided to me, I understand that permission was granted under the Council's reference WD/2019/1958 for an amended fence line at the time of permitting a single storey side extension, but the fence which has been erected does not accord with the approved plans.

Main Issue

4. The main issue in this appeal is the effect of the fence as erected on the street scene.

Reasons

5. The appeal property is a detached house on a residential development which sides on to Blatchington Mill Drive, which is a no through road, leading off Patcham Mill Road. The overall development, including the cul de sac of Blatchington Mill Drive, is attractive in terms of its layout within generally verdant surroundings, including open front gardens and generous landscaped areas. Fences are found within the development, enclosing private gardens to individual houses. Where these front or side onto the street, most are set back from the kerb line, with generous areas of grass or planting in front contributing to the verdant street scene. There are a very small number of examples where the fences are sited much closer to the kerb line and these in

my view stand out as more discordant elements in the generally attractive and verdant street scene.

6. The fence as erected is clearly visible within the street scene. Although there is planting both at its southern and northern ends and at its northern end the existing hedge extends around the rear of the plot, the fence introduces a harsh, solid and prominent element where there would appear to be very limited scope for softening with the introduction of planting in front of the fence, along the kerb line. The solidness of the fence, unrelieved by planting, stands out as a visually intrusive and discordant feature in the generally attractive and verdant street scene.
7. I therefore conclude that the fence as erected does detract from the street scene. This conflicts with Policy EN27 of the Wealden Local Plan 1998, The Wealden Design Guide 2008 and the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.
8. I have sympathy with the family related reasons to ensure security and privacy for the family particularly in the rear garden. However, I am not persuaded that there could not be alternative ways to erect boundary fencing which would achieve this objective whilst securing a solution that would better respect the street scene. Whilst the details have not been provided to me, the Council advises that the previous permission relating to the side extension showed a different fence line to the one erected. I have taken into account that there are pinch points between the extension and the boundary line so that it might not be possible to inset the fence along all of its length but I am not persuaded that this could not be achieved at least in part to enable the harsh and solid appearance of the fence to be softened with additional planting on the street facing side of the fence.
9. The Appellant has drawn my attention to two other examples of boundary fencing which are very visible in the street scene, but I do not know if these examples benefit from planning permission. I saw both of these examples on my site visit and they do not persuade me to permit this fence given the harm I have concluded.

Other Considerations

10. The Appellant has raised concerns that refusing permission for the fence would be a breach of his and his family's human rights, citing the UN Convention on the Rights of the Child 1990 under Article 16 and Article 8 of the Human Rights Act. However, there is no suggestion that there should not be a fence to provide security and privacy for the Appellant and the family, but to seek a solution which balances his objectives with protecting the street scene. I am therefore satisfied that in refusing planning permission, there would be no violation of the Appellant's and his family's human rights.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR