



Appeal Decision

Site visit made on 30 May 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2023

Appeal Ref: APP/C1435/D/23/3318491

Pickles, Eastbourne Road, Ridgewood, Uckfield, TN22 5ST

- 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 Nigel Doggett against the decision of Wealden District Council.
 - The application Ref WD/2022/2639/F, dated 11 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is for the erection of close boarded fence at perimeter of front garden adjoining Eastbourne Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The appeal site is located towards the southern end of the built-up area of Uckfield, where Eastbourne Road provides a main route between the settlement and the open countryside. The area around the appeal site is primarily characterised by dwellings set back from the highway behind a combination of low walls, planted banks, hedges and trees. They partially screen the buildings and access drives and together with the trees and shrubs within and around the gardens, they make a significant contribution to the verdant and semi-rural character and appearance of the street scene. This is integral to the local distinctiveness of the locality.
4. Consistent with this, the appeal property is situated within a row of family sized two storey detached houses which are set back from the highway, although there is a detached garage within the front garden. Both the garage and the dwelling are partially screened from the street scene by a tall hedge and several trees that sit just behind a low retaining wall. This planting makes a positive contribution to the character and appearance of the street scene.
5. The two dwellings immediately to the Northwest of the appeal site have stretches of tall close boarded fencing and brick walls along their front boundaries. Notwithstanding their broken frontages and the hedging behind some of the fencing, due to their combined height and solid angular form they

have a negative impact on the verdant and semi-rural character and appearance of the street scene. There are a number of other tall close boarded fences along Eastbourne Road which have blended into the street scene with varying degrees of success, depending on their length, proximity to the highway and the nature of any soft planting to the front, rear or side of them. Rather than set a precedent these fences highlight the need to assess each proposal on its individual merits and in light of the prevailing planning policies.

6. Amongst other things Spatial Planning Objective SPO13 of the Wealden Core Strategy Local Plan 2013 (CS) seeks to encourage high quality and attractive living environments and the promotion of local distinctiveness through good design. Policies EN27 and HG10 of the Wealden Local Plan 1998 (LP), seek to ensure that development respects the character of adjoining development and is not intrusive in the landscape.
7. Collectively and amongst other things CS Policy WCS14, LP Policy EN1 and paragraphs 8, 126 & 130 of the Framework promote sustainable development. That good design is a key objective of sustainable development and the social and environmental objectives of sustainable development include fostering well designed, beautiful and safe places and protecting and enhancing the built and natural environments. Proposals should be sympathetic to local character and history, including the surrounding built environment and landscape. Paragraph 134 of the Framework states that development that is not well designed should be refused.
8. Collectively and amongst other things chapter 3 Part 16 and Chapter 7 Part 11 of the Wealden Design Guide 2008 (WDG), advise that boundary treatments to gardens will be important in determining the quality and character of the area. Hedges provide good visual screens, help preserve rural character and are preferable to close-boarded fences for visual and biodiversity reasons.
9. The proposed fence would stretch across the full width of the property, where it fronts onto Eastbourne Road. It would be sited on the existing elevated land immediately to the rear of the existing low retaining wall located along the back edge of the pavement. The proposed fence would sit on 0.43 metre high gravel boards and the top of the proposed fence would be two metres above the adjacent pavement.
10. As stated on the application form, the existing hedge to the rear of the proposed fence would be removed and replaced with new shrub planting, which would grow to approximately the same height as the existing. Whilst no details regarding the species, planting size and density of the proposed new planting are provided, I am satisfied that this is something that could be dealt with by the imposition of a condition. This would enable the council to require such planting to maintain/enhance biodiversity, in accordance with the requirements and advice set out in CS WCS12 and WDG Chapters 3 and 7.
11. Due to its combined prominent position, siting just to the rear of the concrete retaining wall, length, height, form and suburban appearance the proposed fence and associated gravel boards would be visually stark and would have an urbanising on the street scene. Even with the retained trees and proposed new hedge, the proposal would unacceptably detract from the existing verdant and semi-rural character of this stretch of Eastbourne Road. Its impact would be

exacerbated by the close proximity of the close boarded fencing to the front of the adjacent dwellings to the northwest.

12. This harm would outweigh the visual, noise and other benefits for the appellant and their family that would result from the proposal. This is not a matter that could be satisfactorily dealt with by the imposition of conditions.
13. Finally, in their decision notice the council also refers to CS Policy SPO12 and WDG Chapter 3 Part 16 paragraph 16.9 & Chapter 7 Part 13 paragraph 13.4. However, as they relate to crime, disorder and safety they are not directly material to the impact of the proposal on the character and appearance of the street scene.
14. For these reasons I conclude that the proposal would unacceptably harm the character and appearance of the street scene. Accordingly, it would conflict with CS Policies SPO13 & WCS14, LP Policies EN1, EN27 & HG10, WDG Chapter 3 Part 16 paragraph 16.1 & Chapter 7 Part 11 paragraph 11.24 and paragraphs 126 & 130 of the Framework.

Elizabeth Lawrence

INSPECTOR