
Appeal Decision

Site visit made on 10 June 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/D3830/D/23/3316255

1 Brookway, Burgess Hill RH15 0LL

- 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 Ms Georgina Lacey against the decision of Mid Sussex District Council.
 - The application Ref DM/22/3771, dated 7 December 2022, was refused by notice dated 6 February 2023.
 - The development proposed is the retention of a timber fence.
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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 proposal is for the retention of a recently erected 1.6 m high close boarded fence along the frontage of No 1 Brookway. This is the first property in a residential cul-de-sac of bungalows and semi-detached houses. The cul-de-sac is characterised by open plan front gardens with no fences or hedges along the front boundaries, and this, together with a central landscaped area, creates an attractive residential environment.
4. However, unlike most other properties in the cul-de-sac, No 1 is set at the back of its wide rather than deep plot. The aerial photograph submitted with the appeal showing the situation before the current fence was erected shows a limited area of private amenity space to the rear of the garage at the side of the bungalow and a triangular area behind a hedge running from the front corner of the garage to the front wall of the property. In front of this was a wide, open grassed area similar to the rest of the cul-de-sac.
5. Given the layout of the plot, the aim of extending the area of private amenity space available to the bungalow is understandable but the option chosen has been to enclose the whole width of the property frontage with a 1.6 m high close boarded fence, apart from a strip about a metre wide along the back of the footway. Along with No 55, the bungalow opposite, the property lies at the entrance to the cul-de-sac before the full open frontage character of the road becomes apparent, allowing some flexibility, but the fence removes any sense

of openness in front of the dwelling and screens across the front door, a particularly unusual and discordant feature of the fencing in its setting.

6. It would seem there is nothing to prevent a low 1 m high fence being erected under permitted development rights, but this would have significantly less visual impact in the street scene as demonstrated by the fencing at No 55. It is also appreciated that hedging in front of the fence would mitigate its impact in time. However, the fencing as erected significantly harms the character and appearance of the street scene contrary to Policy DP26 of the Mid Sussex District Plan 2018 which requires development to contribute positively to the public realm and to protect the character of the area. This harm outweighs the undoubted benefits of the scheme in providing more private amenity space for the occupiers even taking account of their particular circumstances.
7. The appellant draws attention to several examples of close boarded fencing nearby but none of these are comparable to the appeal proposal. The fencing on the corner of The Nursery is not in front of a property, that facing Cants Lane is about 1 m high where such front boundary fencing is common and that further along Cants Lane opposite The Vineries screens the rear gardens of the houses in Tilers Close.

Conclusion

8. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR