
Appeal Decision

Site visit made on 11 July 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/Z3825/W/22/3311042

6 Yarrow Close, Horsham, West Sussex, RH12 5FP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Laurence Gyton against Horsham District Council.
 - The application Ref. DC/22/1249, is dated 10 July 2022.
 - The development proposed was originally described as "we would like to apply for planning permission for both a 'change of use' of land to 'residential', and to erect a new fence to enclose said strip of land for use solely as our garden (extension of residential curtilage)".
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Decision

1. The appeal is dismissed and planning permission is refused for change of use of land to 'residential', and to erect a new fence to enclose said strip of land for use solely as garden (extension of residential curtilage).

Procedural Matters

2. The description in the banner heading and the formal decision have been extracted from the more detailed text on the planning application form, in the interests of clarity.
3. The appeal is against non-determination of the application, but the Council's appeal statement sets out some refusal reasons. I have taken these to be the decision which the Council would have made had it been empowered to do so.
4. A separate planning appeal (ref. APP/Z3825/W/22/3308458) for a similar scheme was found to be invalid. Whilst some of the submissions by the appellant and the Council refer to both proposals, I have had regard to these statements so far as relevant to this particular scheme only.

Application for Costs

5. An application for costs was made by Mr Laurence Gyton against Horsham District Council, and is the subject of a separate Decision.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal property is located at the end of Yarrow Close, a cul-de-sac linked by a footpath to Coltsfoot Drive. The latter is a main route through the residential area of which the site forms part. Boundary treatment along its length varies, with some properties having open front gardens onto Coltsfoot Drive, and others having more solid fencing, walls, and/or planting to enclose rear and side gardens. Although some boundaries are built up to the footway or road, there are also examples of grassed and planted verges between boundary fencing and the public highway, particularly around this entrance into the estate.
8. This appeal relates to one such grass verge. Although not a defining characteristic of the streetscene, where they exist, grass verges in the vicinity provide some visual relief between buildings, enclosures and hard surfaced paths and roads. In this regard, they are a positive feature of the area.
9. The appeal site is opposite a shopping parade, and at the appeal site visit there was some evidence of litter on the verge. However, whilst I can appreciate that at times this can be unsightly and a nuisance, the verge does not detract from the character and appearance of the street scene. The openness it affords is in contrast to the harsher appearance of hard boundary treatment built close to the footpath, albeit some enclosures have planting to soften the visual impact.
10. The appeal site is part of a larger verge that also projects alongside 2 Campion Road (No.2). As a result, by enclosing approximately half of the length of the verge, the fence line would intrude awkwardly into the street scene. It would appear somewhat incongruous given the boundary line adjacent to No.2, notwithstanding that part of the verge next to that property is planted.
11. I appreciate the aim to minimise the visual impact of the fence through its slatted design, and I agree that this would be visually preferable to a more solid close board fence. However, I am not convinced that the stated set-in from the footway of one foot (approximately 30 cm) would retain any sense of space in the street scene. Moreover, such a modest gap is unlikely to provide sufficient space for any meaningful planting to soften the visual impact. Given the north-facing orientation, the proximity to the hard surfaced path and proposed concrete posts, on the evidence available I am not satisfied that the indicative planting would successfully establish.
12. As noted above, there are other examples of boundary fencing and walls built up to the footway, but there is no information in this appeal to indicate if these were part of the planned estate or if verges have been enclosed with or without planning permission. In any event, as some are more successfully integrated in the street scene than others, they provide limited weight to this proposal.
13. I am mindful of the clear benefits to the appellant and his family from increasing the private garden land to the dwelling, and that it would create opportunities for enhanced biodiversity. Access for pedestrians would not be impaired, and the appellant advises that it could be improved through maintenance. However, as these benefits would be at the expense of the character and appearance of the street scene they would not outweigh the identified harm.

14. I therefore conclude that, as a result of its length, projection and prominent position, the proposal would appear overly dominant and visually intrusive in the street scene, to the detriment of its character and appearance. This would conflict with Policy 25 of the Horsham District Planning Framework 2015 (HDPF), which amongst other criteria seeks to protect, conserve and enhance the landscape and townscape character, taking into account the individual settlement characteristics; with the aim of HDPF Policy 32 to secure high quality design which provides an attractive environment and contributes a sense of place both in the buildings and spaces and in the way they integrate with their surroundings; and with HDPF Policy 33, to ensure that the scale and appearance of development is of a high standard of design and layout and relates sympathetically with the built surroundings, landscape, and open spaces.

Other Matters

15. Part of the appellants' Statement of Case relates to the processing of this and an earlier planning application by the Council. However, such matters are beyond the scope of a Section 78 appeal, which must consider the planning merits of the proposal.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

H Lock

INSPECTOR