



Appeal Decision

Site visit made on 22 September 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/C3810/D/23/3324992

15 The Martlets, Rushington, West Sussex BN16 2TZ

- 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 Mike Weeks against the decision of Arun District Council.
 - The application Ref: R/276/22/HH, dated 5 December 2022, was refused by notice dated 9 March 2023.
 - The development is described as 'the erection of boundary fence'.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of boundary fence at 15 The Martlets, Rushington, West Sussex BN16 2TZ in accordance with the terms of the application, Ref: R/276/22/HH dated 5 December and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Proposed Fence and Block Plan Ref: KP1, and (ii) Location Plan Ref: KP2.

Preliminary Matters

2. The development is in place and therefore I do not use the term 'the erection of' in my decision.

Main Issues

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

Reasons

4. The appeal property is a two storey detached house located at the southern end of a row of dwellings numbered 1 to 15 within the Martlets estate. The estate has a generally open character, particularly in the central parts where boundary treatment is mainly hedges. Toward the edges and down side roads, boundary treatment is more varied with fences and walls evident in addition to hedges.
5. The appeal scheme was erected to replace a hedge that previously existed around the site adjacent to the highway. It comprises close board fencing with concrete posts and is painted grey.

6. The Martlets estate has a generally open character, informed by a restrictive planning condition that prevents the erection or construction of any boundary fence or other means of enclosure to the front of buildings without planning permission. The generally open character is most prominent in its central parts where properties have either garden frontages or hedges for boundary treatment. The appeal property, however, is located towards the edges of the estate at the end of 1-15 near to garages, walls and blocks of flats. The context within which the appeal development appears is, therefore, different than if the property were located in one of the more open parts of the estate. Given the location of the appeal property and the tighter urban character that exists the appeal development in my view does not appear out of place with its immediate surrounds nor does it undermine the open character that prevails through the central thoroughfare.
7. I note that the Council refers to No 1 The Martlets being a mirrored design to the appeal site located at the northern end of the row of dwellings 1-15 with hedge and shrubbery boundary treatment. I understand from the information before me that the appeal site also used to have hedge and shrubbery boundary treatment. Whilst this may have been the case previously, I don't agree that both these properties need to have similar boundary treatment as they exist on different parts of the estate. No 1 provides an attractive entrance to the estate with its hedge and shrubbery boundary treatment that contributes positively to the general sense of openness. However, as has been described previously in this decision, the appeal site is located in a part of the estate where the character is less open. I therefore do not consider that it is necessary for No 1 and No 15 to replicate each other in terms of the boundary treatment used for each property.
8. Moreover, due to the main dwelling being positioned as side on rather than front on to the highway, the appeal development is erected around what is the main garden area for the property. The Council acknowledge that fencing is used elsewhere on the estate to enclose rear gardens, an arrangement not dissimilar to the appeal development when considering the juxtaposition of the dwelling to the highway.
9. In terms of design, the appeal development has been completed to an acceptable standard, scale and height. The design of the development also helps to provide a safe, secure and private space for the occupants of No 15. I note the Council refer to advice from Sussex Police that boundary treatment should not be so high as to shield the main property and make it easier for intruders to enter unnoticed. In this case, the fence is not at a height that obscures views of the main property and I do not consider this advice relevant to this appeal.
10. For the reasons set out, the appeal development reflects the character of the area, which whilst generally open comprises a variety of boundary treatments. I conclude therefore that the appeal scheme complies with Policy DM1 of the Arun Local Plan 2011-2031, which requires development to reflect the character of the area. Whilst there are no directly relevant policies or guidance in the Rustlington Neighbourhood Development Plan, the development would be consistent with the general objective of the plan to retain the character of the village. I have also considered the advice contained in the Arun Design Guide Supplementary Planning Document 2021, which amongst other things states that hedges should be reinstated to preserve the character of the area.

In this regard, I find that that the appeal development does not result in material harm to the character of the area. It would also be consistent with Section 12 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character.

Conditions

11. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance (PPG). As the development has been completed it is not necessary to include the standard time limit condition. However, it is necessary to include a condition that specifies the approved plans in order for clarity and precision over the scale, type and form of development that is approved by this decision.

Conclusion

12. For the reasons given above, the development is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I conclude that the appeal should be allowed.

N Perrins

INSPECTOR