
Appeal Decision

Site visit made on 21 October 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH November 2023

Appeal Ref: APP/D3830/D/23/3320095
123 Leylands Road, Burgess Hill RH15 8JS

- 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 James Turner against the decision of Mid Sussex District Council.
 - The application Ref DM/22/3680, dated 1 December 2022, was refused by notice dated 26 January 2023.
 - The development proposed is a front garden wall.
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Decision

1. The appeal is allowed and permission is granted for the erection of a front garden wall at 123 Leylands Road, Burgess Hill RH15 8JS, in accordance with the terms of the application, Ref DM/22/3680, dated 1 December 2022, subject to the attached schedule of conditions.

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 a front garden wall along about two-thirds of the frontage of No 123, a bungalow on the southern side of Leylands Road within Burgess Hill. The wall, a maximum of 1.8 m high, would comprise white rendered block work with piers and infill panel fencing.
4. The properties along Leylands Road have a wide variety of frontage treatments comprising open frontages, walls, fences and hedges, of a variety of heights. As a long, well-established, busy road with no particular character, this is to be expected. Whilst some frontages are open or have low boundary features, others are taller, such as No 47, a wall very similar to the proposal, Nos 53 and 115, walls with piers albeit more open panels, No 117, a tall close boarded fence, and several tall hedges including Nos 174, 113, 89-93. There are also examples of tall side boundaries fronting the road such as 2 Marle Avenue and at Munns Drive, together with the long tall brick wall in front of Marle Place.
5. Given this wide variety of roadside boundary treatments the proposed wall, even at 1.8 m tall, would not appear intrusive or discordant in the street scene, but just another owner carrying out a reasonable improvement to their property. This is particularly understandable given the nuisance caused by the

headlights of vehicles on Petworth Drive approaching the mini-roundabout immediately in front of the bungalow.

Conclusion

6. For these reasons the proposal would not significantly harm the character and appearance of the street scene and would comply with Policy DP26 of the Mid Sussex District Plan 2018. This requires new development to be well designed, to reflect the distinctive character of the town and to address the character and scale of its surroundings. The proposal would also comply with paragraph 6.5.7 of the Mid Sussex Design Guide 2020 which states that boundary treatments should be reflective of the area and local traditions in terms of height, structure and materials.
7. The Council suggested three conditions should the appeal be allowed and these meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved drawings in the interests of certainty and to control the materials to be used to ensure an attractive scheme.
8. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: AD02 & AD03 Rev A.
- 3) The development hereby permitted shall be carried out using the materials specified on drawing AD02 (blockwork wall rendered white with infill composite panel fencing) unless any variation is approved in advance in writing by the local planning authority.