



Appeal Decision

Site visit made on 6 November 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/C3810/D/23/3323723

29 Andrew Avenue, Felpham, PO22 7QW

- 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 Mrs Amanda Holdaway against the decision of Arun District Council.
 - The application Ref. FP/216/22/HH, dated 30 November 2022, was refused by notice dated 4 April 2023.
 - The development proposed is retrospective proposal for the relocation of side fence and hedging to within the ownership boundary.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective proposal for the relocation of side fence and hedging to within the ownership boundary at 29 Andrew Avenue, Felpham, PO22 7QW in accordance with the terms of the application, Ref. FP/216/22/HH, dated 30 November 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 29 Andrew Avenue, Block Plan (Annotations NTS) dated 30 November 2022; 29 Andrew Avenue, Felpham, Location Plan dated 22 November 2022.
 - 2) The existing laurel hedge, shown on the drawing labelled 29 Andrew Avenue, Block Plan (Annotations NTS) (dated 30 November 2022) shall be retained in conjunction with the development hereby permitted and any part of this hedge which, within a period of five years from the date of this decision, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with a hedge of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Preliminary Matters

2. The Council's Delegated Report (CDR) refers to the National Planning Policy Framework (July 2021) (Framework), but since then the Framework has been revised, in September 2023. However, the CDR does not refer to any specific part or paragraph of the Framework.

Main Issue

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

Reasons

4. The appeal site is located on the eastern side of Andrew Avenue and occupies a corner plot with its northern (side) boundary facing onto Cunningham Gardens. The host property comprises a detached chalet style house with garden areas on three sides. It forms part of an estate that includes similar style properties as well as more traditional two storey properties and single storey bungalows, that vary in terms of their style, design and layout.
5. The frontages to the properties on the estate, including that on the appeal site, are open and largely laid to lawn with individual driveways that either lead to existing garages or to off street parking spaces. These open frontages are an attractive feature of the area. In relation to corner plots, such as the appeal site, some of these are enclosed by fencing or hedging (or a combination of both), that is either set back from the back edge of the pavement or in other cases sited close to the pavement edge. As I observed on site, the existence of the latter has not impacted on the prevailing open character of the estate.
6. The appeal proposal involves the relocation of a side fence and hedge. As the relocated fencing is already in place, permission is sought retrospectively for its retention. As I observed on site and as is shown on the submitted plans, the original hedge/low fence that formed the northern boundary to the rear garden has been relocated further north and close to the back edge of the pavement to Cunningham Gardens.
7. The CDR states that the visual appearance of the proposed fence is acceptable, which is a finding I concur with. The Council do object, however, to the impact of the proposed fence on the open plan character of the surrounding area as a result, in particular, of the removal of part of the open grassed verge to Cunningham Gardens (which falls within the ownership of the Appellant).
8. Whilst I accept that the relocation of the fence has resulted in change to the appearance of this part of the estate, I am satisfied that, on balance, the resulting impact on its open character would not be harmful. The area of open grassed verge incorporated within the rear garden to the host is, in my view, modest and as such the impact that results on the openness of the estate is also modest, and would not detract from its overall character and appearance. As I mentioned earlier, other corner plots have fencing and/or hedging in similar locations to that proposed and these examples have not, in my view, impacted harmfully on the estates openness or on its local distinctiveness.
9. That part of the character of the estate that is derived from the open frontages to the individual properties would remain as existing and unaffected by the appeal proposal. Similarly, whilst the Council do not object to the visual appearance of the proposed fence, the laurel hedge that has been planted in front of it, once matured, would assist in softening its appearance. Even so, the examples of similar boundary fencing in the area do not impact materially on the open plan nature of the estate. These examples include the fencing approved at 6 Hinde Road, referred to by the Appellant. As such, the proposed fence would be acceptable even without the planted laurel hedge.
10. I note that the CDR refers to the Arun Design Guide Supplementary Planning Document (January 2021) (SPD Guide), but that the Council's reason for refusal does not. Whilst I have been provided with extracts from the SPD Guide, including the whole of section H, the CDR simply contends that this

section requires areas of established open character to be maintained and that the proposal would be contrary to this. However, no indication is given as to where that statement is to be found within section H. Even so, my reading of the SPD Guide is that it largely relates to new built development. As to the Council's reference, as far as I can ascertain this appears to be from part H.04, which deals with residential outdoor amenity and external space standards. The latter advises that new development should seek to retain and reinstate hard and soft boundary treatments, except in areas with an open character, which should be retained as such. I am not convinced that this reference is of direct relevance, but even so, for the reasons given above, I am satisfied that the relocated fence would not directly conflict with the aims and objectives of the SPD Guide.

11. Accordingly, I find that the appeal proposal would comply with policy D DM1 of the Arun Local Plan 2011 – 2031 (July 2018) and policy ESD1 of the Felpham Neighbourhood Development Plan (July 2014). These policies seek, amongst other requirements, to ensure that new development is of a high quality of design, makes best use of land and reflects and improves on the character of the area in terms of siting, landscaping and design features.

Conditions

12. The Council has suggested a condition requiring compliance with the approved plans, which is necessary and reasonable to reflect the details of the proposed fencing. I have also added a condition that requires the existing laurel hedge to be retained and replaced, if necessary, within the next five years if it dies, is removed or becomes seriously diseased. Whilst I have found that the proposed fence would be acceptable without this hedging, the retention of the hedge and its future maintenance would assist in softening its appearance.

Conclusion

13. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR