



# Appeal Decision

Site visit made on 10 January 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

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**Appeal Ref: APP/D3830/D/23/3330841**

**47 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JZ**

- 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 Abdullah Altazi against the decision of Mid Sussex District Council.
  - The application Ref DM/23/1273, dated 12 May 2023, was refused by notice dated 14 July 2023.
  - The development proposed is a retrospective application for new boundary railing and gates on Lucastes Avenue frontage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The work has been completed; this does not alter the way in which I assess the scheme.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the locality.

## Reasons

### *Character and appearance*

4. The appeal property a large detached dwelling in a very generous plot. It is located on a road with a variety of homes in generally large gardens. The character of the area is of well-established good quality residential nature and the prevalent frontage hedging vegetation, spacious gardens, and trees all lead to a verdant scene of pleasing appearance and almost semi-rural ambience.
  5. The site lies within the Lucastes Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy DP35 of the Mid Sussex District Plan 2014-2031 (DP) and Policy E9 of the Haywards Heath Neighbourhood Plan (NP) reflect the importance placed on Conservation Areas and provide more direction on the need, for example, of suitable scale, height and form for a range of development including boundary features.
  6. As a result of the materials used, the height of the structures, and their positioning the appeal proposal simply is not at visual ease in this locality. In
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another setting it may well be entirely appropriate. However, here there are frontages which are so verdant, gates which if fitted at all are of low level and usually timber, and an almost complete lack of structural rigidity on frontages giving the sense of a semi-rural place such that the scheme is incompatible. In this context I find that the proposal is jarring on the eye, appears awkward and incongruous on this stretch of road, and diminishes the character, visual and heritage qualities of this locality.

7. Having regard to the foregoing I conclude that there would be conflict with S72(1) of the Act and DP Policy DP35 along with NP Policy E9 as cited above; there would not be preservation of the character and appearance of the Conservation Area. Additionally, I conclude that the scheme would run contrary to DP Policy DP26. Amongst other matters, this policy seeks to secure good quality appropriate design and protect local distinctiveness.

#### *Other matters*

8. I would agree with the Appellant that the bricks in situ, at low level, are suitably subtle, regrettably the additions made within the scope of the appeal scheme are strident. I have reviewed other examples of front boundaries which were specifically drawn to my attention and I spent time on my visit in the wider area. High hedges are prevalent; tall brick pillars, metal railings and high-level gates are not. Indeed, I saw little or nothing of direct comparison due to siting, form, or dimensions, but in any event, I must assess the present case on its own merits. I have carefully considered all points raised by the Appellant and I conclude that the matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; the development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

#### *Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

*D Cramond*  
INSPECTOR