



Appeal Decision

Site visit made on 9 April 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/Q3820/D/24/3338542

31 Canterbury Road, Tilgate, Crawley RH10 5EZ

- 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 Miss Chloe Silver against the decision of Crawley Borough Council.
 - The application Ref: CR/2023/0456/FUL dated 30 July 2023, was refused by notice dated 22 December 2023.
 - The development is described as retrospective planning – erect 2 metre wooden fence along the outer boundary line for the front garden in line with the rear garden wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the development had been completed before the date of the application, I shall consider the application as one made for retrospective planning permission for development as originally carried out, namely for the erection of a 2 metre wooden fence.

Main Issue

3. The main issue in this appeal is the effect of the development as undertaken on the street scene.

Reasons

4. The appeal property is an end of terrace house on the eastern side of Canterbury Road, with a side return to Chichester Close, within a predominantly residential area, mainly with two storey terraces and some semi-detached properties. The modest frontages to most of the properties in the immediate vicinity are generally open planned or boundaries are demarcated with low fences or soft planting, including hedges. The generally open form of the front gardens, with planting, contributes to the spacious and verdant pattern of development in the local area.
5. The fence which has been erected along the side front boundary is a solid fence 2 m in height. The fence does stand out as a solid and disruptive element in the street scene and detracts from the more open frontages which contribute to the street scene in the locality. It is a visually discordant feature in the street scene.

6. I acknowledge that some of the planting found in the local vicinity is of variable heights, but such planting presents a green and softer frontage compared with the solid form of the boundary fence as erected. Opposite the site is open, overgrown land bounded by chain link fencing with further fencing behind. Although this fencing is not in a good state of repair, it is open fencing which does not detract from the openness of the land opposite the appeal site. It does not therefore persuade me to a different view in respect of the solid fence erected at the appeal site.
7. I therefore conclude that the fence as erected does harm the street scene. This conflicts with Policies CH2 and CH3 of the Crawley Borough Local Plan, the Council's Urban Design Supplementary Planning Document and the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Other Considerations

8. Objections have been raised that the fence blocks sight lines at the junction of Chichester Close with Canterbury Road. However, the matter was considered by the Highway Authority and no objection was raised in that regard. As a result of my site visit and the information before me, I consider that the fence is at a sufficient distance from the junction and does not therefore block sight lines or present a danger to pedestrian and vehicle users.
9. There is no harm to the amenities of the neighbours, in terms of loss of outlook or overshadowing, given the siting of the fence in relation to the immediate neighbouring properties. This was also not raised as a reason for refusal by the Council. However, my findings in respect of highway safety and neighbouring amenities do not outweigh the harm I have concluded to the street scene.
10. The Appellant has raised that the reason for building the fence was for security and privacy in line with her human rights. I have considered these specific concerns and I am satisfied that dismissing this appeal does not place an excessive burden on the Appellant and that there is no violation of the human rights of the Appellant and her family.
11. The Appellant has also promoted compromise solutions should the appeal be dismissed. However, I can only consider the development as submitted and it would be for the Appellant to discuss further with the Local Planning Authority.

Conclusion

12. The development as undertaken does not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR