



Appeal Decision

Site visit made on 8 April 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.04.2024

Appeal Ref: APP/P1425/D/23/3334672

50 Broomfield Avenue, Telscombe Cliffs, East Sussex, BN10 7AN

- 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 Jana Hesova against the decision of Lewes District Council.
 - The application Ref LW/23/0509, dated 21 August 2023, was refused by notice dated 19 October 2023.
 - The development proposed is the erection of a boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made retrospectively and at the time of my visit I saw that the fence was in place.
3. The planning application form included a long description of the development and its background. The Council's decision notice described the development as '*retention of boundary fence*'. This description was repeated by the appellant on the appeal form. As retention is not an act of development, I have simply described the development in the banner heading above as the erection of a boundary fence.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the street scene.

Reasons

5. The appeal property is a detached bungalow within a residential neighbourhood comprising mixed property types, set behind garden frontages. A 2m high close-boarded timber fence and sliding gate has been erected to the sides and front of the property's front garden.
6. Broomfield Avenue is a sub-urban road with garden frontages typically enclosed by either low-boundary walls or fences, or otherwise dense hedgerows to a variety of heights. This gives a pleasant natural character to the appearance of the street scene derived from the mix between a sense of space, created by the open views of many front gardens, and the complementary soft and verdant enclosures of others at the back edges of the pavements.

7. The fence at No 50 is set immediately adjoining the back edge of the pavement and together with the gate, when shut, runs in a continuous line across the length of the frontage, returning at the same height to both side boundaries. In contrast to the established character of the area, by reason of its height and solid form, the fence stands out amongst its contemporary front garden enclosures as being harsh and intrusive. This I find to be out of keeping with the wider area and to the detriment of the street scene.
8. I understand and appreciate the appellant's need to provide safety and security for their family members, both old and young, and for their pets. However, I have not been presented with any evidence to suggest that the fence, as erected, would be the only means to achieve this.
9. The appellant has pointed to other boundary enclosures of similar height and types in the area, but I saw nothing during my visit that was comparable to the total enclosure of the appeal property's frontage.
10. I am mindful that there has been support for the fence from some but this does not alter my findings. The harm that I have identified means that there is conflict with Core Policy 11 of the Lewes District Local Plan Part 1, adopted in 2016, and Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies, adopted in 2020, as far as they both seek to ensure that new development displays a standard of design that is sympathetic to its surroundings. For these same reasons there is conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places.

Conclusion

11. For the reasons given, I find the fence to be harmful to the character and appearance of the street scene. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR