



Appeal Decision

Site visit made on 15 January 2024 by C Glaister

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2024

Appeal Ref: APP/C1435/D/23/3327590

12 Calvert Close, Uckfield, East Sussex TN22 2BZ

- 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 Victoria Skinner against the decision of Wealden District Council.
 - The application Ref WD/2021/0878/F, dated 20 March 2021, was refused by notice dated 19 May 2023.
 - The development proposed is described as "To re-site the fence between the rear garden and side garden to increase the size of the rear garden and improve the use of the side garden which is currently used by dogs as a toilet".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal will be considered with regard to the plans originally submitted with the application. The Procedural Guide¹ is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council at the application stage. It would therefore be inappropriate to determine the appeal based on plans which were not considered by the Council.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 December 2023. The revised national policy is a material consideration. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. It is not therefore necessary to seek further submissions on the revised Framework, and no party shall be disadvantaged by this action.

Main Issue

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

¹ Procedural Guide: Planning appeals – England

Reasons for the Recommendation

6. Calvert Close is characterised as being formed by detached properties with open frontages, grass verges and lawns, and an abundance of vegetation including trees, shrubs, and hedges. The street has a pleasant sense of spaciousness and openness, although the road where it is immediately adjacent to No 12 has a more enclosed feeling. There is a small grass verge alongside the northern length of No 12's fence and a stretch of pavement. There is no pavement on the opposite side, only a small grass verge which separates the road from a dense arrangement of vegetation. The verdant nature, along with the clear sense of spaciousness and openness positively contribute to the character and appearance of the area.
7. The proposed fence would front the pavement and due to its size, siting and solid appearance, it would appear dominant and further exacerbate the degree of enclosure along this section of the road. It would harm the verdant nature of the area and appear significantly at odds with the otherwise open character of Calvert Close. The fence would depart from the building line and would project into the street-scene creating an unusual and unsightly relationship between the fence and the host property. These changes would cause harm to the character and appearance of the area.
8. I acknowledge that No 12 is one of the few properties that does not front onto the street, and that the fence runs parallel to the road as a result of its orientation. However, the repositioning and extension of the fence would nevertheless cause harm for the reasons above, and this does not provide justification for this harm.
9. Accordingly, the proposal would harm the character and appearance of the area. It would therefore fail to accord with Policy EN27 of the Local Plan² which seeks to ensure development respects the character of adjoining development and promotes local distinctiveness. It would also depart from the guidance in the Design Guide³ which emphasises the importance of location and existing local forms in relation to physical boundary treatments, and the National Planning Policy Framework which seeks to achieve well-designed places.
10. The reason for refusal refers to Policy DC19 of the Local Plan. This policy is not referred to in the main body of the officer's report, or in the section which outlines the policies relevant to the application. It is not clear from the evidence submitted whether the site is outside development boundaries, as defined on the Proposals Map. However, whether or not this policy is directly relevant to the proposal, it would not undermine the conflict identified above.

Other Matters

11. Having better use of the area adjacent to the fence and increasing the size of the rear garden are personal benefits which hold very little weight which would not outweigh the harm identified above.
12. I note that the description of development refers to the area being 'used by dogs as a toilet.' The cessation of such incidents following the development weighs in favour of the development in a minor way, however I am not

² Wealden Local Plan (1998)

³ Wealden Design Guide Supplementary Planning Document (November 2008)

presented with substantive evidence, and it does not outweigh the harm I have identified.

13. I acknowledge that the appellant has taken on board the Council's comments and sought to address the reason for refusal. This is not, however, a reason to allow the appeal.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR