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## Appeal Decision

Site visit made on 20 November 2024

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2024**

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**Appeal Ref: APP/P1425/D/24/3354070**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 is LW/24/0389.
  - The development proposed is the erection of a new boundary fence.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a new boundary fence at 50 Broomfield Avenue, Telscombe Cliffs, East Sussex, BN10 7AN in accordance with the terms of the application, Ref LW/24/0389, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan at scale 1:1250 and Drg Nos 1, 3, 3&4, 5&6, 7, 8, 9 and 10.

### Procedural Matters

2. At the time of my visit I saw that there was an approximate 2m high close-boarded timber fence to the sides of the property's front garden and across part of its front boundary with an equivalent height sliding gate, which was open. This development was the subject of a retrospective planning application that was refused permission in August 2023 (Ref LW/23/0509). A subsequent appeal was dismissed in April 2024 (Ref APP/P1425/D/23/3334672).
3. The planning application form included a long description of the development and its background. The Council's decision notice described the development as '*Alterations to boundary fence including removal of gate*'. The application form and accompanying *Design and Access Statement* both refer to a new fence. I have therefore treated the current appeal as relating to an application for a proposed new development, as is reflected in the banner heading above and in my formal decision.

### Main Issue

4. The main issue is the effect of the proposal 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. 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.
6. In contrast to the existing arrangement with solid and total enclosure of the property's frontage, the proposed fence would span only part of the front boundary along the back edge of the pavement, with a wide and open vehicular entrance retained across the remainder. The 'hit and miss' arrangement for the top half of the fence would also provide some further visual permeability into the front garden. Although the appearance of the fence would be unique in its form, there is no regimented approach to front boundary treatments along Broomfield Avenue. Overall, I find the alternative fence would be a much softer and less intrusive means of enclosure than that previously proposed and which is existing, and one that would be appropriately in-keeping with the character and appearance of the street scene and wider area.
7. In the absence of any harm, there would be no conflict with Core Policy 11 of the Lewes District Local Plan Part 1, adopted in 2016, or 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 would be no conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places.

## Conditions

8. The Council has suggested three conditions in the event of the appeal succeeding. Given the nature of the proposal, the standard time limit condition is appropriate. A condition specifying the relevant plans is necessary as this provides certainty. A requirement for materials to match the existing building does not reflect the development proposed and is neither reasonable nor necessary.

## Conclusion

9. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

*John D Allan*

INSPECTOR