



Appeal Decision

Site visit made on 4 February 2025

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/L3815/C/23/3332979

6 Beech Avenue, Bracklesham Bay, Chichester PO20 8HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Miss Wendy Read against an enforcement notice issued by Chichester District Council.
 - The notice was issued on 25 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a fence.
 - The requirements of the notice are to remove the said fence from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. This decision takes into account the revised National Planning Policy Framework, which came into force during the course of the appeal.

Ground (a) appeal

Main Issues

3. The main issues in the appeal are:
 - The effect of the fence on the character and appearance of the surrounding area.
 - The effect on highway safety.

Reasons

Character and appearance

4. The appeal property contains a chalet bungalow. The bungalow occupies a corner plot adjacent to the junction of two residential streets, Beech Avenue and Garden Avenue.
5. The bungalow is located in an established suburban residential area in which dwellings exhibit considerable similarity in terms of their scale, design and

external materials. The dwellings generally occupy comfortably sized plots and are set back regular distances from the street behind generously portioned front garden areas. The front boundary treatments typically consist of low masonry walls, often with maturing planting behind. There are few substantial built features at the front of properties. These factors contribute significantly to the pleasantly spacious and harmonious suburban residential character and appearance of the surrounding area.

6. The enforcement notice attacks a slatted timber fence supported by timber posts, having an overall height around 1.8m, erected adjacent to the front boundary either side of a vehicular access. My understanding is that prior to erecting the fence, the front boundary at the property consisted of a low wall on either side of the access, backed by a substantial maturing hedge on Beech Avenue.
7. The fence is considerably and appreciably taller than most other built front boundary treatments in the vicinity. Its angular, hard-edged profiles differ substantially from the softer contours and more naturalistic shapes of maturing frontage planting in the locality. The small gaps between the slats do little to offset the impression of the significant overall height of the fence, or its essentially solid appearance. This has led to the fence having a substantial visual presence in the surroundings, emphasised by its street corner location.
8. The fence is therefore entirely at odds with the generally unassuming visual qualities of most built frontage treatments in the vicinity. It does not compare favourably in visual terms with the previous front boundary treatment. Nor do the fence materials and its 'raw' finish respond positively to the materials and external finishes of most front boundary treatments in the area. As a result, the fence is viewed as an alien feature in the street scene, with a stark and 'defensive' appearance, significantly eroding the sense of spaciousness and creating an appreciably more built-up feel in the environs.
9. Generally, but not exclusively, local incidences of tall front walls or fences occur where properties have more than one elevation facing the street. Such structures do not reflect the prevailing pattern of local development. Some of these structures also serve to illustrate the unfortunate visual effects associated with similar forms of front boundary treatment. Moreover, without details of the circumstances in which other front boundary treatments originated, it is difficult to make a comparison with the fence in this appeal. For example, it is unclear whether any tall front boundary treatments in the vicinity benefit from planning permission.
10. Consequently, the fence causes unacceptable harm to the character and appearance of the surrounding area. This is in conflict with Key Policy 33 of the Chichester Local Plan (LP) which requires new residential development to, amongst other things, meet the highest standards of design and to respect and where possible enhance the character of the surrounding area, the site and its setting, including in terms of its siting and height. There is also conflict with LP Policy 40, which requires new development to, amongst other things, be appropriate and sympathetic in terms of its scale, height, appearance, form, siting and layout and be of a design which maintains the local character and identity of the area. LP Policy 1 however, which concerns the presumption in favour of sustainable development, is of limited relevance in this matter.

Highway safety

11. The overall height of the fence and its position adjacent to the back edge of the footway means that when exiting the property, vehicle drivers have limited views of pedestrians, cyclists and motor vehicles approaching the junction. Even so, in my estimation there has been no significant erosion in the levels of visibility available to drivers. Due to the likely overall height of the pre-existing boundary treatment, drivers exiting the property would have had limited views of traffic approaching the junction in any event.
12. As a result, there is no additional harm to highway safety and no conflict with LP Policy 39, which requires development to amongst other things not create or add to problems of safety and to provide a safe and adequate means of access. However, my findings on this matter do not outweigh those reached on the other main issue, set out above.

Conclusion

13. The fence causes unacceptable harm to the character and appearance of the surrounding area, in conflict with the Development Plan taken as a whole. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR