Appeal Decision

Site visit made on 4 August 2008

by Elizabeth Fieldhouse DipTP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
27 August 2008

Appeal Ref: APP/M3835/A/08/2069571
75 Meadow Road, Worthing, Sussex BN11 2RH

- 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 R E Shaw against the decision of Worthing Borough Council.
- The application Ref WB/07/0868/FUL, dated 9 July 2007, was refused by notice dated 13 September 2007.
- The development proposed is the erection of a four feet high wooden fence with a two foot high close woven trellis panel above to part of the eastern boundary of the property.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue is the effect of the proposed fence on the
and appearance of the area.

Reasons

3. The appeal property lies at the corner of Meadow Road and
proposed fence would run from the boundary with 30 Th
the front of the house but the front garden would rema
defined by a dwarf wall. The overall height of the pr
1.829m (6 feet). There is an existing boundary fe
against which an Enforcement Notice was served
Notice requires the reduction in the height of t
gate fronting Thesiger Road to 1m in height
on the land. The existing fence is attache
boundary wall and is a similar height to
boarded for its full height with rear en
the similar height fence between the
dwelling. The proposed boundary
would still create a solid visual b

4. Planning permission was refu
subsequent appeal dismiss
new boundary wall at the
the back edge of the hig
the proposed wall to the Th

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INSPECT

from the appearance of the immediate environment, with its visual impact would be accentuated by the modest nature of boundary treatments in the vicinity.

5. I do not consider that the character of the area and the modest nature of boundary treatments in the vicinity have changed since the previous Inspector's decision. The solid fence is proposed to be 1.219m (4 feet) high but this would be surmounted by a close woven trellis 0.610 (2 feet) high which, together, I consider would have the a very similar impact to the existing fence. I sympathise with the desire to create a private garden and the need for security, but the proposal is not the only possible solution. In addition, as a result of its solidity, the proposal would prevent any possible natural surveillance. The Council's delegated report indicates that the appellant was given the option of relocating the fence 1m back from the highway or to remove the unauthorised fence following a period of time to allow for the planting of a hedge to form a more natural boundary screen. The proposal before me does not include either of these options.

6. Many of the roadside boundaries in the vicinity of the appeal site are defined by dwarf walls that give the visual perception of openness to the area. Due to the height, length and position of the proposed roadside fencing, I consider that the proposal would be unacceptably harmful to the character and appearance of the area. As demonstrated by the existing fence, in my opinion, the proposal would appear incongruous and detrimental to the visual amenities of the immediate area. I therefore consider that all the provisions of policy BE1 of the Worthing Local Plan 2003 would not be met. As Planning Policy Statement 1 *Delivering Sustainable Development* advises design which is inappropriate in its context or which fails to take the opportunities for improving the character and quality of an area should not be accepted. For the reasons given above I conclude that the appeal should be dismissed.

7. The Council are concerned that planning permission for the proposed fence would make other similar applications difficult to resist. Proposals are rarely identical. I saw that there are other fences along roadside frontages outside the immediate area but these are generally not in prominent corner locations. While planning permission for the appeal proposal could lead to a similar request on the opposite corner of the junction, I do not consider that the proposal would create such a precedent as to justify the withholding of planning permission. This does not overcome the harm I have already identified.

Beth Fieldhouse

INSPECTOR