Appeal Decision

Site visit made on 10 May 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2018

Appeal Ref: APP/Q1445/D/18/3196021
19 Acacia Avenue, Hove BN3 7JT

- 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 Mr David Peirce against the decision of Brighton & Hove City Council.
- The application Ref BH2017/03439, dated 12 October 2017, was refused by notice dated 16 January 2018.
- The development is the replacement of existing fence panels.

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing fence panels at 19 Acacia Avenue, Hove BN3 7JT in accordance with the terms of the application, Ref BH2017/03439, dated 12 October 2017, and the plans submitted with it.

Procedural Matters

2. The appeal relates to a retrospective application for planning permission. At my site visit I saw that the fence panels applied for are in place. I have assessed the appeal on this basis.

3. In the banner heading above, I have used the description of development as set out on the Council's Decision Notice, as it captures the scope of the development accurately and more succinctly than the form of words on the application form[1].

Main Issue

4. The main issue in this case is the development's effect on the character and appearance of its surroundings.

Reasons

5. The appeal development has resulted in the installation of tall fence panels at the side boundary of the appeal property, which addresses Elm Drive, a thoroughfare which slopes gently downwards from its junction with Holmes Avenue toward and beyond the appeal property. The dwellings which front Elm Drive are set back behind mainly well-vegetated gardens, and these combined with the street trees and the back gardens of corner houses addressing roads

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[1] Which is "Wooden garden fence alongside pavement 6.7m @ height 1.82 metres + 5.7m @ height 1.82 m + 6.3m @ height 1.37m. These replace the original fence."

in a perpendicular relationship to Elm Drive add a pleasant verdant character to the streetscene.

6. In the immediate surroundings of the appeal property, I saw that tall boundary treatments to rear gardens which address Elm Drive are far from unusual features. Within this context, the scale and detailing of the appeal development does not look incongruous. Moreover, due to the depth of the appeal property's garden and the mature vegetation present therein, which is clearly visible above the fence at street level, the development does not erode the spaciousness of the streetscene. Furthermore, the sloping gradient of Elm Drive from its junction with Holmes Avenue mean that the spaciousness and verdant character of the appeal property's garden remain prominent in streetscene views, and as a consequence the fence panels neither have a dominant character nor cause a negative visual impact.

7. Taking these matters together leads me to the conclusion that the appeal development has not harmed the character and appearance of its surroundings and as a result does not conflict with Policy QD14 of the Brighton and Hove Local Plan (adopted July 2005). Amongst other things, this policy requires alterations to existing buildings to be well designed in relation to their host properties and their surrounding areas. As I have found that the development has caused no harmful effects in these regards it does not therefore create a precedent for other developments that would cause harm to the character and appearance of the area.

Conclusion

8. As the appeal relates to a retrospective application for planning permission neither implementation nor plans conditions are necessary in this case.

9. The appeal development would not conflict with the development plan insofar as the above-cited policy is concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR