



## Appeal Decision

Site visit made on 6 February, 2018

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

**Decision date: 8<sup>th</sup> May, 2018**

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**Appeal Ref: APP/Q1445/D/18/3194608**

**11, The Bungalow, Hangleton Lane, Hove, BN3 8EB**

- 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 Phillips against the decision of Brighton & Hove City Council.
  - The application Ref: BH2017/03352 dated 4 October, 2017 was refused by notice dated 18 January, 2018.
  - The development proposed is erection of a replacement brick, post and board fence boundary fence.
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### Decision

1. The appeal is allowed and planning permission is granted for a replacement brick, post and board boundary fence at 11, The Bungalow, Hangleton Lane, Hove, BN3 8EB in accordance with the terms of the application Ref: BH2017/03352 dated 4 October, 2017 and the plans submitted with it.

### Preliminary Matter

2. The description of development was altered by the Council in its decision notice and no evidence has been supplied that this was agreed between the parties. I have, however, followed the description given in the original application, albeit modified and simplified in the interests of clarity.

### Main Issue

3. The main issue is whether the development would preserve the character and appearance of the Hangleton Conservation Area, and whether it would preserve the setting and thereby the special architectural and historic interest of adjacent listed buildings and the effect on the significance of these designated heritage assets.

### Reasons

4. The development which is the subject of this appeal has already been implemented.
  5. No. 11 Hangleton Lane is a modern bungalow in a prominent corner location on the edge of the Hangleton Conservation Area. The northern boundary of the site is bounded by a substantial conifer hedge, while the western boundary has a high, close boarded fence set on a low brick wall, which is the subject of this appeal. The southern boundary of the site has a traditionally constructed flint
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- wall, facing onto Hangleton Manor to the rear, while Rookery Cottage and The Cottage, listed buildings, are to the south and east.
6. I noted while on site that the ground level of the private garden area, which is situated to the flank and rear of No. 11, was at a noticeably higher level than the adjoining pavement. I was also shown photographs of the fence which was replaced by the appeal structure, and noted that it was previously a high, close boarded fence running around both the western and northern boundaries of the site.
  7. The presence of No. 11 and the modern detached dwellings at 38 – 44 Hangleton Lane have established an area of suburban character within the conservation area and the setting of the listed buildings. The semi-rural setting of the Manor is not therefore easy to appreciate at this point, while that of St Helen's church is only experienced further along Hangleton Lane, where the townscape opens out into St Helens Park.
  8. The new fence replaces a similar structure, and the difference in height is minor. Furthermore, the replacement fence does not appear out of context in its immediate suburban setting. In this context therefore, I conclude that it would have a neutral effect on the character and appearance of the conservation area.
  9. The southern edge of the fence is set back from the brick and flint southern boundary, and would, at most, be seen peripherally in views into the former manor complex from Hangleton Valley Drive. There would thus be no change in the effect on that area and the important relationship between Hangleton Manor and the cottages which were formerly part of the complex.
  10. While front boundaries within the area are low, this is a boundary to private amenity space, and I conclude that it is reasonable for the appellant to seek privacy in that area.
  11. For these reasons therefore, I conclude that the development would preserve the character and appearance of the Hangleton Conservation Area, and, by preserving their setting, would preserve the special architectural and historic interest of the adjacent listed buildings. It would not, therefore, harm the significance of these designated heritage assets.
  12. It would, as a result, comply with the requirements of saved policy QD14 of the Brighton and Hove Local Plan 2005 (LP) which seeks well designed alterations to existing buildings, and those of policies HE3 and HE6 in respect of the effect on the setting of listed buildings and on conservation areas respectively. It would also comply with policies CP12 and CP15 of the Brighton and Hove City Plan 2016 in respect of conserving the city's historic environment. It would also meet the requirements of the Framework in respect of protecting the significance of the designated heritage assets.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed. As the development is already in place, I conclude that no conditions are necessary.

*S J Buckingham*      INSPECTOR