
Appeal Decision

Site visit made on 1 February 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/Q1445/D/16/3165041
38 Southdown Avenue, Brighton, BN1 6EH

- 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 Stephen Bell against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02629, dated 13 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is the erection of a new timber fence and gate to part of front garden of residential property.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the Preston Park Conservation Area.

Reasons

3. The proposals would see a fence erected behind the existing low wall that fronts Grantham Road. I saw at my site visit that fences along frontages to properties are very much the exception in the vicinity: boundaries are of low walls, some with hedging behind. This general appearance gives an open character to the street, where the buildings can be seen set behind low boundary enclosures, and this appearance is a positive contributor to the Conservation Area. The garage that adjoins the appeal site to the east sits forward of the general building line, but as a stand-alone building of clear different form and siting to the other properties in the road, this does not diminish the overall open character of the wider residential area.
 4. The proposed fence would create an enclosed appearance to the street, and the hard appearance of the fence would create a visually intrusive impression to the area. I acknowledge the fencing would itself be of high quality, but that would not mitigate the harmful impact of the structure as seen in the street and views along the roads. This harm would adversely affect the character of the Preston Park Conservation Area.
 5. The proposed development would therefore harm the acknowledged character and appearance of the Conservation Area. Under s72(1) of the Planning (Listed
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Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The proposals would be contrary to retained Policies QD14 and HE6 of the Brighton & Hove Local Plan, the general objective of which is to seek a high quality of design in new development and the preservation or enhancement of heritage assets. Thus, harm would be caused to the heritage asset and I consider that to be significant harm. I therefore give considerable importance and weight to such harm.

6. I acknowledge the appellant's wish to provide an enclosed private amenity space and, as noted earlier, the appellant drew my attention to some examples of fences in the wider area. But I must balance that personal need against other matters of acknowledged importance, and I consider the harm to the heritage asset would not be outweighed by any public benefits. Hence, there would be conflict with paragraph 133 of the National Planning Policy Framework. The appeal is dismissed accordingly.

C J Leigh
INSPECTOR