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# Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

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

Decision date: 13 March 2014

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**Appeal Ref: APP/Q1445/A/13/2203071**

**42 Wilbury Villas, Hove, East Sussex, BN3 6GD**

- 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 Mrs K Peach against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01576, dated 13 May 2013, was refused by notice dated 4 July 2013.
  - The development proposed is a fence around part of the perimeter of the garden, being 1.8m high with trellis on top.
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## Procedural matters

1. The fence the subject of this appeal has been erected. The appeal premises are used as a children's day nursery.

## Decision

2. The appeal is allowed and planning permission granted for a fence around part of the perimeter of the garden, being 1.8m high with trellis on top at 42 Wilbury Villas, Hove, East Sussex, BN3 6GD in accordance with the terms of the application, ref BH2013/01576, dated 13 May 2013, subject to the development being carried out in accordance with the following approved plans: site location plan & 2013/0020-01B,

## Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Character and appearance*

4. The appeal property is a large building set at the end of Wilbury Villas, at the junction with The Upper Drive and Old Shoreham Road. The character of this part of Wilbury Villas is notably different from the rest of the road to the south. There is a greater degree of openness caused by the large and busy road junction area with the meeting of roads, whilst the school to the north introduces a more institutional feeling to the area. Houses close to the appeal site on the western side of The Upper Drive are also different in character. Due to the location and height of the appeal premises at the junction of the roads, the building has a high degree of prominence in the area.

5. The fence that has been installed can be seen in views along the roads in the area. It is taller and runs for a longer length than most boundary treatments along Wilbury Villas. However, there are some examples of tall boundary treatments in the wider area, including fences and walls. The fence it is not intrusive to the appearance of that road due to the location of the appeal site at the end of Wilbury Villas, and adjoining a busier area that is less domestic in character. The appearance and proportions of the fence are not intrusive in the area, or dominant to the host property. The height is not excessive and the design a simple timber fence.
6. The development is therefore consistent with guidance contained in Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005, the general thrust of which is to ensure all new developments, including alterations and extensions, are well designed in relation to the host property and surrounding area.

*Other considerations*

7. The appellant has drawn my attention to the Ofsted requirement to provide safe and secure premises for children at the nursery. The fence has been installed in order to provide a secure environment for the garden, and I could see at my site visit that the height and extent of the fencing does indeed provide this. The National Planning Policy Framework states that great weight should be given to the need to alter schools (I note the appellant's point that the nursery is an early years education provider). The provision of safe premises for the nursery is therefore a consideration of great weight in favour of the development.

*Conclusions and conditions*

8. I have had regard to the content of the National Planning Practice Guidance, but in light of the facts in this case the Guidance does not alter my conclusions.
9. For the reasons given, and having regard to all other matters raised, it is considered that the proposed development accords with the objectives of the development plan and the Framework, and planning permission is granted.
10. The Council have not suggested any conditions in the event of the appeal being allowed, and the development has been undertaken. It is only necessary to attach a condition specifying the approved drawings in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning

**C J Leigh**

INSPECTOR