



Appeal Decision

Site visit made on 12 March 2015

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/Q1445/D/14/2223558
30 Aymer Road, Hove, East Sussex BN3 4GA

- 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 Jeremy Hoyer against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/00901 was refused by notice dated 20 June 2014.
 - The development proposed is 'erection of vertical timber boarded fence along southern frontage of site (Princes Avenue frontage), including creation of new brick piers.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a vertical timber boarded fence along the southern frontage of the site (Princes Avenue frontage), including creation of new brick piers at 30 Aymer Road, Hove, East Sussex BN3 4GA in accordance with the terms of the application, Ref BH2014/00901 dated 20 March 2014, subject to the conditions set out in Schedule A.

Main issue

2. The main issue in this case is the effect of the proposed development on the character of the site and whether it would preserve or enhance the character or appearance of the Pembroke and Princes Conservation Area.

Reasons

3. The application relates to a detached bungalow, at the junction of Aymer Road and Princes Avenue, within the Pembroke and Princes Conservation Area. It has a low brick wall with timber fencing above to both its road frontages.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on decision makers to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy HE6 of the Brighton and Hove Local Plan 2005 (LP). The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
5. Policy QD14 of the LP sets out general design requirements but does not specifically address boundary treatments. Supplementary planning documents 'spd 9 - architectural features' (SPD9) and 'spd12 - extensions and alterations' (SPD12) set out more detailed guidance, including promoting the reversal of

- past inappropriate changes, re-instatement of original features and use of finishes sympathetic to the area in accordance with Policy HE6 of the LP.
6. The appeal property is located on a corner site and is therefore in a relatively prominent position within the street scene. The Pembroke and Princes Conservation Area Character Statement identifies the area as having a 'sylvan 'garden suburb' atmosphere.'
 7. This scheme follows a decision, on appeal, in respect of fencing currently at the site.¹ The appeal was dismissed and the heavy horizontal timber fencing bolted to posts, due to its height and form, were identified as inappropriate within this Conservation Area. In this scheme the existing wall and pillars on the Aymer Road frontage would have existing fencing removed and solely a box hedge planted behind them. The Council indicate no objection to this arrangement as the refusal reason in the decision letter refers only to 'the proposed timber fence to the side elevation.'
 8. On this southern boundary three new piers would be introduced with timber fencing in between. The proposed piers would match the originals and beneficially divide and visually break up the long frontage to Princes Avenue. The proposed timber infill fencing would be limited in height and, appropriately, below the coping stones of the piers. It would be in a lighter form and have a vertical emphasis, as opposed to the horizontal emphasis of the fencing currently in place.
 9. The final form and overall height of the boundary, as proposed, would not appear dissimilar to that previously in place on this boundary, albeit that this also had a significant hedge to its rear.
 10. As highlighted by the appellant, within the immediate area, particularly where rear garden boundaries adjoin road frontages, boundary treatments are less formal and uniform, with timber fencing used, in some cases, to provide more screening for security and privacy. These examples show that timber fencing does not represent a wholly uncharacteristic feature within the immediate area. However, all sites are different, and I have determined this appeal solely on its individual merits.
 11. Overall, the boundary treatment proposed would represent a low key approach, as advocated by SPD 9, which would provide a visually acceptable form of enclosure for this bungalow. As such, I consider the proposal would not harm the appearance of the site and would preserve the character and appearance of the Conservation Area. It would, therefore, not conflict with the aims of the Framework, Policies HE6 or QD14 of the LP or SPD 9 or SPD12.

Conditions

12. The Council solely put forward the standard three year commencement condition should the appeal be allowed. I consider this is not appropriate, in this case, where the proposed fencing is to replace existing, unauthorised boundary treatment. Consequently a condition detailing more specific timescale requirements is necessary. A condition referring to the relevant plans, for the avoidance of doubt and in the interests of proper planning, is also necessary. The exact construction and final finish of the fencing and piers is not clearly set out in the drawings, these details are important due to the location of the

¹ APP/Q1445/D/13/2210013

property within a Conservation Area. A condition is therefore required to ensure these elements are satisfactory.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Ray Wright

INSPECTOR

Schedule A – Conditions

- 1) The development, hereby permitted, shall be carried out in accordance with the following approved plans: A.03 Rev P1 and D.01 Rev C.
- 2) Within 3 months of the date of this decision a scheme showing exact details of materials and construction of the timber fencing and new brick piers to be used on the Princes Avenue frontage, including any associated staining of the fencing, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The approved scheme shall be carried out and completed in accordance with the approved details and timetable.
- 3) If no scheme, in accordance with condition 2 above, is approved and/or implemented within 6 months of the date of this letter, the existing timber fencing to both the Aymer Road and Princes Avenue frontages shall be removed and no alternative boundary enclosure shall be erected until such time as an alternative scheme, approved in writing by the local planning authority, is implemented.