

Report to	<b>Planning Committee</b>
Date	<b>14 March 2013</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Wealden District Area)</b>
Application Number	<b>SDNP/13/00522/HOUS</b>
Applicant	<b>Dr L Garland</b>
Application	<b>Erection of a 2m high close boarded wooden fence 2m from the public footpath.</b>
Address	<b>Wistons, 6 Deans Road, Alfriston, Polegate, East Sussex, BN26 5XR</b>
Purpose of Report	<b>The application is reported to Committee for a decision because of an objection raised by the Parish Council and the recommendation made by officers.</b>

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**Recommendation: That planning permission be granted for the reason and subject to the conditions set out in paragraph 10.1 of this report**

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### **Executive Summary**

The application relates to the boundary treatment of a dwelling in a residential area on the western side of Alfriston. Planning permission is sought for the erection of a new close boarded timber fence on the western site boundary where it would be positioned 2m back from the pavement along a road called The Furlongs. The new fence would be 2m high and 23.5m long. A replacement hedge is proposed to be planted in front of it which would in time screen the fence. The proposals would not detract from the residential character and appearance of the area and consequently the landscape character of the South Downs National Park would be conserved. Similarly, no harm would be caused to the amenities of surrounding neighbours. The application is presented to the Planning Committee because of an objection raised by the Parish Council.

#### **I. Site Description**

- I.1 No.6 Deans Road is located on the western side of Alfriston, within a residential area. The dwelling is situated on a corner plot at the junction between Deans Road and The Furlongs, where it is set back from either road and abuts the eastern boundary of its curtilage. It occupies a reasonably large and roughly rectangular plot with the majority of the garden, laid to lawn, on the western side of the dwelling.
- I.2 The dwelling is at the end of rows of properties which front Deans Road and The Furlongs. Hedgerows define the western and southern site boundaries and close boarded fence defines the northern boundary with the dwelling known as 'Percuil.' There are also two large mature trees on the western boundary in line with the existing hedgerow. Within the hedgerow of the western boundary, there is a single close boarded timber fence panel which is a remnant of a fence along this boundary which was removed in approximately 2001.
- I.3 The area is residential in character with a variety of bungalows, chalet style dwellings and two storey properties in good sized plots and set back from the road. Frontage garden boundaries are predominantly defined by hedging and varied types of fencing, all of which vary in height along The Furlongs and Deans Road. This area of housing lies to the west of

the centre of the village which is designated as a conservation area.

- 1.4 Alfriston is located in surrounding open countryside which comprises of a mosaic of arable and permanent pasture land. The South Downs Integrated Landscape Character Assessment (SDILCA) identifies the area within the Open Downland landscape character type and the Ouse to Eastbourne Open Downs landscape character area.

## **2. Relevant Planning History**

- 2.1 None.

## **3. Proposal**

- 3.1 The application proposes the erection of a 23.5m long and 2m high close boarded timber fence along the western garden boundary of the dwelling. It would be set back 2m from the pavement along The Furlongs and be painted with a dark brown coloured preservative.
- 3.2 In front of the proposed fence, a new evergreen hedge is proposed to be planted to replace the existing hedge.

## **4. Consultations**

- 4.1 **Alfriston Parish Council:** Object to the fencing because it is out of keeping in a rural area and it would be sited in a prominent location. Allowing the proposals could also set a precedent for similar applications, which would be detrimental to the rural appearance of the village. If the application is granted, recommend a condition requiring a suitably fast growing hedge be planted immediately after the erection of the fence and that it must be grown so as to obscure the fence completely.

## **5. Representations**

- 5.1 One representation has been received from a member of the public which objects to the proposals on the following grounds:
- Out of keeping with the area, gardens are either open to view or enclosed by hedging with occasional fencing.
  - The fence would be an eyesore and it is not necessary to keep the property's garden private as there is an existing hedge, which requires maintenance.

## **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the South East Plan and the Wealden District Local Plan Review 1998.
- 6.2 The South East Plan was adopted on 6th May 2009. The Secretary of State for Communities and Local Government announced on 14 February 2013 the coalition government's decision to revoke the South East Plan and confirmed the order to effect this decision would be laid after the half term recess in February and would take effect 40 days thereafter. Until then the South East Plan remains part of the development plan, although the decision to revoke affects the weight to be given to the policies within it.
- 6.3 Policy C2 of the South East Plan states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.

### National Park Purposes

- 6.4 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## National Planning Policy Framework and Circular 2010

- 6.6 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.7 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

## **7. Development Plan Policies**

- 7.1 The Wealden District Core Strategy Local Plan was approved by Wealden District Council on 28 November 2012 and by the SDNPA on 19<sup>th</sup> February 2013 and is now adopted policy. Policy SPO13: Development of high quality, safe and attractive living environments is relevant.
- 7.2 The following saved policies of the Wealden District Local Plan 1998 are relevant to this application:  
GDI: Development within Development Boundaries  
EN1: Sustainable Development  
EN27: Layout and Design of Development
- 7.3 In December 2005 Wealden District Council adopted the Non Statutory Wealden Local Plan as an interim guide for development management. Appeals have attributed material weight to this non statutory document. The relevant policies are:  
GDI: Development within Settlement Boundaries  
BE1: Design Criteria

## **8. Planning Assessment**

- 8.1 The proposed fence would border the garden of a property in a residential area characterised by other residential gardens defined by a variety of hedging and fencing. It would be situated at a more prominent corner plot and whilst it would be the longest and highest fencing in the area it would not appear out of keeping with the established residential character and appearance of the area.
- 8.2 The fence would be set back 2m from the pavement, where the garden is on a slightly lower ground level which would reduce its overall height when viewed from the road and any impression of it being unduly prominent. It would be painted in a dark brown wood preservative which would further reduce its prominence particularly as it would be seen against a backdrop of new boundary hedgerow which would screen the fence as it grows. Whilst the fence is acceptable, the proposed replacement hedge would 'soften' its impact within the streetscene and therefore a condition requiring the planting of the hedgerow is recommended.
- 8.3 Surrounding frontages are bordered by hedging of varied heights and densities which provide respective degrees of openness to other gardens in the area. The existing hedgerow at the site is reasonably tall (approximately 1.7m high) and effectively screens views of the garden and these proposals would not alter this situation. Furthermore, the proposed replacement hedge would eventually screen the fencing and improve the character and appearance of the area with a hedge of a better condition and more appropriate type. Indeed, the current hedge largely comprises of ivy and is beginning to collapse. It is of a poor quality and its current appearance is not in keeping with the more manicured boundary hedges of surrounding properties on both The Furlongs and Deans Road.
- 8.4 Given the scale and siting of the proposals, no harmful impact would be caused to the amenities of neighbouring properties.

## **9. Conclusion**

- 9.1 The proposed development would have an acceptable impact upon the character and appearance of the area and the wider landscape character of the South Downs National Park. Therefore, the proposals accord with the relevant policies and National Park purposes cited above.

## **10. Reason for Recommendation and Conditions**

- 10.1 The reason for recommending planning permission is:

1. The proposed development would be in keeping with the character and appearance of the area and would conserve the wider landscape character of the South Downs National Park. Additionally, no impact would be caused to the amenities of neighbouring properties. The proposals therefore accord with the saved policies GDI, EN1, EN27 of the Wealden District Local Plan 1998, saved policies GDI, BE1 of the non statutory Wealden District Local Plan 2005, policy SPO13 of the Wealden District Core Strategy Local Plan 2013 and the purposes of designating a National Park and the NPPF.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out and completed in accordance with the submitted plans and details on the materials and finishes as specified in the application and written particulars identified within the Decision Notice.

Reason: To ensure that the development is carried out in accordance in accordance with the approved plans and policies EN27 Wealden District Local Plan 1998, Policy BE1 of the non statutory Wealden District Local Plan 2005, Policy SPO13 of the Core Strategy Local Plan 2013 and the NPPF.

3. The new hedgerow planting shall be undertaken in accordance with the approved plans and details and be planted within the first available planting season after the fence has been erected. If any planting dies, is removed or becomes seriously damaged or diseased within the first five years after being planted it shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the character and appearance of the area is maintained, in accordance with policy EN27 of the Wealden District Local Plan 1998, policy BE1 of the non statutory Local Plan 2005, SP013 of the Core Strategy Local Plan 2013 and the NPPF.

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equalities Act 2010**

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

## **14. Proactive Working**

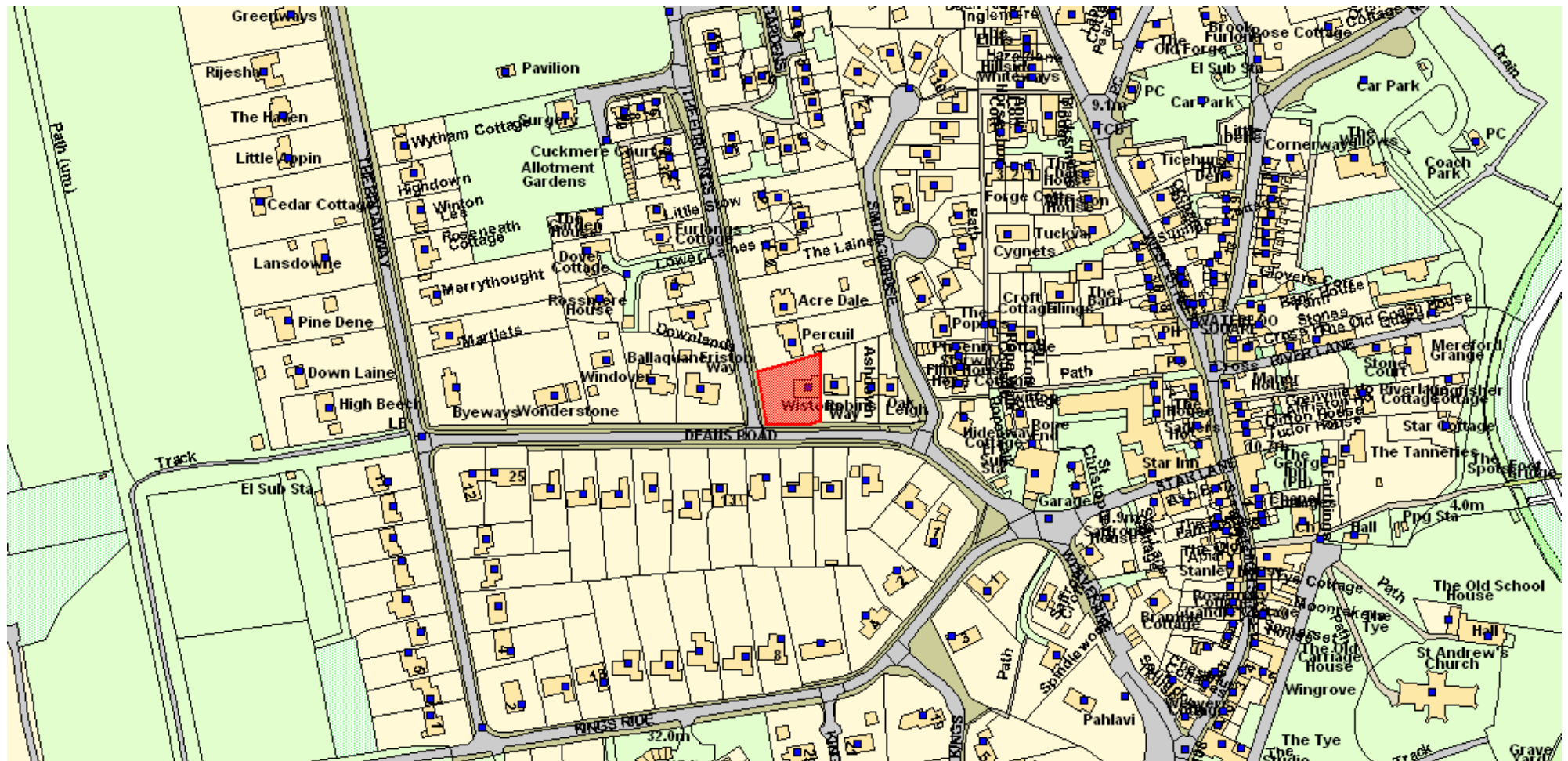
- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included regular updates and

feedback on the application and meeting the Applicant on site.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices	I. Site Location Map
SDNPA Consultees	Director of Planning & Legal Services.

Agenda Item 9 Report PC 15/13- Appendix I Site Location Map



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