



## Appeal Decision

Site visit made on 19 January 2021

**by P B Jarvis BSc (Hons) DipTP MRTPI**

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

**Decision date: 19 February 2021.**

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**Appeal Ref: D/4001850**

**1 Lilac Way, Shoreham-by-Sea, BN43 6AW**

- 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 Ben Roberts against the decision of Adur District Council.
  - The application Ref AWDM/0834/20, dated 4 June 2020, was refused by notice dated 7 August 2020.
  - The development proposed is to remove the existing brick boundary wall which is inside the boundary of property and replace with close boarded wooden fence at boundary including two gates to access street and side of house; to allow more room in garden and access to side/front of property.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the Southlands Conservation Area.

### Reasons

3. The dwelling on the appeal site is a modern three storey semi-detached property. It is located within the Southlands Conservation Area which comprises of a number of former hospital buildings that have been converted to residential properties including East Lodge and The Old Refectory buildings as well as more recent modern residential development. The former hospital buildings are predominantly of brick facings with red tiled roofs. These and the other buildings to the east (including the appeal site) and west are set around a central grassed open space.
4. The flank elevation of the dwelling on the appeal site and side boundary of the rear garden, which is marked by an existing brick wall, face towards this open space. It is located adjacent to the private road that leads to the parking areas serving the adjoining flatted block in East Lodge. The brick boundary wall continues to the north, marking the side garden boundary of the adjoining dwelling to the north. Although these walls are part of the recent modern development they incorporate features, such as the decorative top brick courses and stone bands, that reflect and complement the predominant character of the built forms of the conservation area.
5. As indicated above, the immediate surroundings are dominated by the attractive brick buildings of the former hospital. The conversion works and the adjoining new modern development have been undertaken in a sympathetic

manner that, in particular, reflects the original materials of the former hospital buildings. This provides a uniformity that is a particular characteristic of the conservation area and the street scenes within it.

6. The proposal, involving the removal of the brick boundary wall and its replacement with a timber close boarded fence would not only result in the removal of a feature that contributes positively to the character and appearance of the conservation area but would introduce a feature that would detract from. It would also occupy a more prominent position immediately abutting the side of the private road and, notwithstanding that it would be of high quality, would be inappropriate in this highly prominent position in the conservation area.
7. The appellant has provided examples of existing fencing located around the new estate within the wider locality of the appeal site. However, the majority of these are in locations outside the conservation area and not in the immediate context of the above buildings. There is an existing fence along the rear garden boundary of a property at the western side of the conservation area. This directly adjoins the open space and in the context of its surroundings, it appears as a somewhat jarring feature, being directly adjacent to what appeared to be an original brick boundary wall to the St Giles Church to the west, albeit is screened to an extent by the trees within the open space. Timber panels have also been used to surround the bin storage areas within the development but these are relatively modest features in the context of the overall development. The fencing at the end of the parking area to the north of the site, surrounding the electricity sub stations, looks to have been in place for some time. I do not consider that these provide justification for the proposed fence which would occupy a far more prominent location.
8. Overall, I consider that the proposal would be harmful to the character and appearance of the Southlands Conservation Area. As a result it would conflict with Policies 15 and 17 of the Adur Local Plan (2017) which seek development of a high standard of design and materials within the conservation area so as to respect, preserve and enhance the character and appearance of that area, and the site and its surroundings in general.
9. For the above reasons the proposal would fail to satisfy the duty set out in S72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act, 1990. The proposal would also fail to comply with the National Planning Policy Framework, in particular paragraph 196. In this context the less than substantial harm that arises would not be outweighed by public benefits, the main benefits arising in this instance being associated with the provision of an enlarged garden area that would be a private benefit.

### **Conclusions**

10. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR