

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1862	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Proposed new boundary railing and pedestrian gates on Lucastes Avenue frontage.		
Site:	47 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JZ, , , ,		
Validation Date	22 Jul 2025	Overall Expiry Date:	29 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	26 Nov 2025
Target Date:	16 Sep 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	26 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1862

**47 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JZ, , ,
Proposed new boundary railing and pedestrian gates on Lucastes Avenue frontage.
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SUMMARY OF REPRESENTATIONS

Two representations received, which contain the following points:

- not in keeping with the road,
- no other houses have railings of any kind,
- will change the feel of the road from semi rural to more urban.
- The erection of an illuminated intercom with integrated camera positioned on the roadside is also intrusive and affects neighbours' privacy.
- Clarification sought on the details shown on the submitted plans.

SUMMARY OF CONSULTEES

Conservation Officer: A number of queries have been raised with the agent for the application. We do not have a pre-existing elevation, showing the previous, lawful condition of the front boundary treatment. The 'Existing' plans submitted appear to show the boundary treatment which has been installed without permission, which is misleading, and gives a false impression of the context against which the current proposal should be considered.

Further comments: The application site is an unlisted detached C20th house located within the Lucastes Conservation Area.

Although there is not at present an adopted character appraisal document for the Lucastes Conservation Area, the Council's document 'Conservation Areas in Mid Sussex' contains a brief analysis of the key features of the Area. These include:

- 'o the variety of buildings which represent a range of age types and architectural styles;
- o the spacious nature of development, which is characterised by buildings set back from the road frontage, with wide grass verges along Lucastes Avenue and Lucastes Road;
- o the presence of trees, hedges and ponds...'

Lucastes Avenue is typical of the Area in being characterised by a sense of verdant, semi-rural spaciousness, with houses set back from the road in substantial gardens, with hedged boundaries, many trees, and grassed verges. With few exceptions, the front boundaries of the houses are of hedgerows, with open, ungated driveways. The few gates which are present along this stretch of the Avenue tend to be of a 5 bar timber design, having a semi-rural character which complements the 'village' feel of the development. Prior to the works which are in part the subject of this application, the site frontage appears to have been of a low brick wall with hedgerow above, open vehicle entrance flanked by brick piers

The current application, which is partly retrospective, relates to this front boundary treatment and is for the installation of low of metal railings along the length of the frontage, sitting above the pre-existing low brick wall, and retention of a pedestrian entrance gate. Previously, high metal railings and metal vehicle entrance gates, as well as the pedestrian gate, had been installed without consent. The current proposal retains only the pedestrian gate as existing, omits the vehicle gates, and replaces the high railings with lower railings of a similar design.

A previous planning application to retain the higher railings and vehicle and pedestrian gates as installed was refused, and a subsequent appeal dismissed. In the appeal decision letter, the Inspector notes that:

'As a result of the materials used, the height of the structures, and their positioning the appeal proposal simply is not at visual ease in this locality. In another setting it may well be entirely appropriate. However, here there are frontages which are so verdant, gates which if fitted at all are of low level and usually timber, and an almost complete lack of structural rigidity on frontages giving the sense of a semi-rural place such that the scheme is incompatible. In this context I find that the proposal is jarring on the eye, appears awkward and incongruous on this stretch of road, and diminishes the character, visual and heritage qualities of this locality.'

He/she therefore concluded that the proposal was contrary to both DP35 and DP26.

The current proposal differs from the appeal scheme in the omission of the vehicle gates and in the lower height of the railings which is now proposed. Whilst these changes reduce the impact of the scheme on the character of the boundary, the retention of the railings at part height and of the metal pedestrian gate results in a formality and a 'structural rigidity' (to quote the Inspector), which remains at odds with the semi-rural character of this part of the Conservation Area.

In my opinion, therefore, and based on the considerations set out in the recent appeal decision, the proposal results in a degree of harm to the character and appearance of the Lucastes Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, I would consider this harm to be less than substantial, at around the low-mid point of that scale, such that the balancing exercise set out in paragraph 215 will apply.

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council: The Town Council OBJECTS to this application. The Town Council feels that points raised in objection to the most recent application at this property (DM/24/1216, which was refused), have not been adequately addressed by this new proposal.

The Town Council OBJECTS to this proposal for the following reasons:

1. it does not do nearly enough to address the issues that were raised under the previous applications (see DM/24/1216 and DM/23/1273);
2. the revised proposal for the railings and gate remains out of keeping with the semi-rural 'village' character of the locality and is out of keeping with the street scene in general;
3. the height of the railings presents a potential health and safety hazard because the spikes could cause injury if, for example, a child were to climb up on them.

INTRODUCTION

This application seeks planning permission for 'Proposed new boundary railing and pedestrian gates on Lucastes Avenue', on the frontage to the highway at No 47 Lucastes Lane in Haywards Heath.

The submitted plans indicate that the current walls, gates and railings that form the boundary treatment on the road frontage will be adjusted, reduced in height and reconfigured, as detailed in the report below.

RELEVANT PLANNING HISTORY

AP/25/0008. Enforcement Appeal against Front Boundary Wall/Fence over 1m. Appeal in progress.

DM/24/1216. Proposed new boundary railing and set back gates on Lucastes Avenue frontage. Refused November 2024.

DM/23/1273. Retrospective application for proposed new boundary railing and gates on Lucastes Avenue frontage. Refused July 2023. Appeal Dismissed February 2024.

DM/22/3071. New gates to the front of the property. Refused January 2023.

Various other application for householder extensions and tree works, not directly related to either the gates or fencing that has been erected.

SITE AND SURROUNDINGS

No 47 Lucastes Avenue is an unlisted C20th detached house in a large garden plot. The house has been subject to previous extensions and is set back from the highway with a private access driveway.

Around the site there are various detached houses of different designs. The character of the area is defined by generally verdant planted gardens with hedgerows forming the predominate boundary treatment along the street frontage. Some of the houses have hedging set behind low boundary walls or fencing and some have timber or metal frontage gates set within hedged front boundaries. The general character is verdant and is semi-rural in appearance.

The site lies within the built up area of Haywards Heath and within the Lucastes Conservation Area.

APPLICATION DETAILS

This application seeks planning permission for works that would require alterations to the installed front boundary walls, railings and gates. The structures require planning permission as they exceed 1m in height adjacent to a highway. The front boundary enclosure treatment has been the subject of former planning applications and an Appeal, which are detailed below.

Currently the front boundary is made up of low brick walls, up to 0.7m in maximum height, arranged in staggered sections, which rise in height along the rear edge of the pedestrian pavement. Upon these wall sections 1.5m high vertical black iron railings, with arrow head tops, have been added with a separate green wire mesh fence erected behind, which serves to retain a thick laurel hedge. The enclosed front boundary also includes pedestrian and vehicular gates which are of a similar vertical railing design.

This application seeks planning permission for changes that would require significant works to lower the height of the frontage wall and to replace or adjust the height of the railings on each staggered section along the full frontage width. The upper railing sections will be limited in height to 0.3m, to give the overall finished height of 1m, as illustrated on the submitted plans. The associated brick piers at the ends of the walled sections are also shown to be reduced in height.

The proposed plans are annotated to show the combined height of the adjusted front wall and railings to measure 1m (max height) for each staggered section. The plans also illustrate the associated piers at either end of the walling, and to each side of the pedestrian gate, reduced to a height of 1.6m, and the height of the pedestrian gate lowered to 1.4m. The plans also show the existing pair of vehicular access gates (which are of a matching metal railing design) removed from the vehicular entrance into the front garden.

During the course of determining the application clarification has been sought regarding the details of the proposed development, as the proposed works will alter the current, unauthorised fence and gates serving the property at No 47. The submitted Block and Location Plans show no vehicular access gates where there are currently a pair of electronic controlled 2.4m high metal gates which are of a style to match the 1.5m high existing front railings.

The applicant's agent has confirmed:

- the black metal railings and green mesh fence, currently located on the right of the vehicular access gate, will be removed and that area left unfenced as part of the proposed works, as shown on the Proposed Street Scene Plan.
- the green mesh fence that is sited along the rear of the full length of the frontage railings will be removed as part of the proposed works.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Haywards Heath Neighbourhood Plan and Site Allocations DPD.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 Transport
DP26 Character and design
DP35 Conservation areas
DP37 Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan -made 15 December 2016.

Policy E9 Design
Policy H9 Building extensions

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction
DPN4 Trees, Woodland and Hedgerows
DPB1 Character and Design
DPB3 Conservation Areas

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy Guidance

National Design Guide

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

Design and Impact upon the Conservation Area
Impact on residential amenities
Highway impact

Design and Impact upon the Conservation Area

No 47 Lucastes Avenue is located within the Lucastes Conservation Area, which was established in 1989. Policies in the District and Neighbourhood Plans, National Planning Policy guidance and the MSDC Design Guide seek good design in the District and aim to preserve and enhance the Conservation Areas.

Policy DP26 states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- * is of high quality design and layout and includes appropriate landscaping and greenspace;*
- * contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- * creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- * protects open spaces, trees and gardens that contribute to the character of the area;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- * optimises the potential of the site to accommodate development.'*

This application needs to be considered with reference to guidance contained in Paragraphs 200-214 of the NPPF and with regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the character or appearance of the Lucastes Conservation Area, as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The District Plan contains Policy DP35, which requires development to conserve or enhance the special character and appearance of Conservation Areas. The Policy states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.'*

This policy seeks to ensure that development will conserve or enhance the special character and appearance of the Conservation Areas in the District. Gardens and boundary features that contribute to the special character of the area are recognised as being significant to the special character of such areas.

The Haywards Heath Neighbourhood Plan contains Policies H9 and E9 which are also relevant in the determination of this application. These policies state:

'Policy H9

Extensions to existing dwellings will be permitted where it meets the following criteria:

- o The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- o Spacing between buildings would respect the character of the street scene.*
- o Gaps which provide views out to surrounding countryside are maintained.*
- o Materials are compatible with the materials of the existing building.*
- o The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Policy H9 refers to the retention of traditional boundary treatments.

Policy E9 of the Neighbourhood Plan requires consideration of design when assessing the impact of new development upon local character. The Policy states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*

*o creates safe, accessible and well-connected environments that meet the needs of users,
o Will not result in unacceptable levels of light, noise, air or water pollution,
o Makes best use of the site to accommodate development,
o Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

Neighbourhood Plan Policy E9 recognises that new development can affect highways, footways, open space and landscape, and aims to preserve or enhance the special interest and/or distinctive character of Conservation Areas or other heritage assets.

In this instance most nearby boundary treatments within the Lucastes Conservation Area are formed of hedging, of varying heights and types. This results in predominantly green, soft landscaping on roadside boundary treatments.

The representations that have been made by the local residents include comments that the development is not in keeping with the road, no other houses have railings, and the proposal will change the feel of the road from semi rural to more urban.

It is relevant to consider the content of the Inspector's Appeal Decision letter regarding the refusal of DM/23/1273 which sought retrospective permission for the completed boundary treatment works, as they currently exist. The letter, dated 1st February 2024, makes reference to the visual impact of the proposal and its impact upon the character of the area. It states, in part:

'The appeal property is a large detached dwelling in a very generous plot. It is located on a road with a variety of homes in generally large gardens. The character of the area is of well-established good quality residential nature and the prevalent frontage hedging vegetation, spacious gardens, and trees all lead to a verdant scene of pleasing appearance and almost semi-rural ambience...

As a result of the materials used, the height of the structures, and their positioning the appeal proposal simply is not at visual ease in this locality. In another setting it may well be entirely appropriate. However, here there are frontages which are so verdant, gates which if fitted at all are of low level and usually timber, and an almost complete lack of structural rigidity on frontages giving the sense of a semi-rural place such that the scheme is incompatible. In this context I find that the proposal is jarring on the eye, appears awkward and incongruous on this stretch of road, and diminishes the character, visual and heritage qualities of this locality.'

The character of the surrounding area is derived from boundaries that mainly comprise boundary hedging and an absence of gates or where such gates exist they are more open timber gates. The overall character is of mature planting and a lack of more urban styled boundary treatments, despite the relatively close proximity to the town centre.

Whilst the proposal represents a revised approach to the means of enclosing the frontage of No 47, it maintains a hard edge (the brick wall) to the rear of the pavement and the inclusion of 0.3m high upper railing sections. It is considered that this adapted form of enclosure would be out of keeping in the street and would have a negative visual impact upon the character and appearance of the area.

It is considered that the proposal remains unacceptable in its context in this part of the Lucastes Conservation Area. The design of the proposed lower wall and railing sections, and the retained pedestrian gate and the associated brick piers, do not reflect the general character of the site surroundings. The proposal as submitted cannot be considered to enhance, nor even to preserve the character of the surrounding area. The proposal will fail to preserve the character and appearance of the Lucastes Conservation Area. The works are therefore contrary to the provisions of Policies within the Development Plan and Neighbourhood Plan which seek good design in new development.

The Conservation Officer has assessed that in terms of the NPPF, the proposal would result in less than substantial harm, at around the low-mid point of that scale, such that the balancing exercise set out in paragraph 215 will apply. Paragraph 215 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

There would be no public benefits to arise from this scheme. Therefore the harm to the Conservation Area is such as to warrant a refusal of permission. The appearance of the proposed works and their impact upon the Lucastes Conservation Area fail to accord with NPPF guidance, the aims of District Plan Policies DP26 and DP35 and Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 and Neighbourhood Plan Policy H9 are relevant in the determination of this application with regards to the impact of the changes on residential amenities. There is a conflict in the phrasing of these policies. Policy DP26 requires that 'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.' In contrast Policy H9 states that extensions to existing dwellings will be permitted where the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties to the application site at No 47 Lucastes Avenue are Nos 45 (to the south) and No 49 (to the north). Representations have been received about the application from neighbours to the site living at No 42 (to the south west), on the opposite side of the road and from No 49.

To address the neighbour's concerns clarification has been provided regarding the proposed treatment for the frontage area sited adjacent to the site boundary with No 49, on the northern side of the vehicular access.

Another representation has raised concerns regarding the installation of an illuminated intercom with integrated roadside surveillance, which they claim affects neighbours' privacy. Under Schedule 2, Part 2, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) there are permitted development rights for the installation of closed circuit television cameras for security purposes. This element does not form part of the submission and is therefore not a matter for consideration under this application.

In the determination of the Appeal against the refusal under DM/23/1273 the Inspector did not identify the impact of the proposal upon the neighbouring residents as an issue for consideration. Given the nature of the proposal and the relationship with the neighbouring properties, it is deemed that no significant harm will be caused by the proposed development to the privacy, outlook, daylight and sunlight of the immediate residents.

The proposal therefore accords with the requirements of the more up to date Policy DP26 of the District Plan, and also with the requirements of Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Design Guide in respect of the impact on neighbouring amenity only.

Highway impact

District Plan Policy DP21 is relevant in the determination of this application. This states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

the Local Highway Authority was previously consulted under earlier applications DM/23/1273 and DM/24/1216. They assessed the provision of the frontage treatments that were proposed and raised no objections. They found the existing vehicular access to No 47 provides suitable access visibility, and access without impeding the carriageway.

As such the proposal will accord with the aims of District Plan Policy DP21, and there is no objection in highway terms.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

Conclusion

The proposed front boundary treatment, whilst amended from the retrospective scheme which was refused under DM/23/1273, and the subsequent Appeal, is considered to be out of character with its surroundings, being of a more formal and urbanised character than the planted, verdant boundary treatments that predominate in the Lucastes Conservation Area.

Overall the scheme as submitted is not considered sympathetic to the character of the surrounding area and does not preserve or enhance the character of the Lucastes Conservation Area, contrary to both District Plan and Neighbourhood Plan Policies which seek the retention of traditional boundary treatments and the preservation or enhancement of Conservation Areas.

The proposed works would cause less than substantial harm to the character of the Conservation Area. With no evident public benefits to mitigate this harm it is considered that permission should be refused for the scheme and enforcement action pursued to remove the existing unauthorised development.

Decision: Refusal

Case Officer: Anna Tidey