The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2014

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 14 July 2014

Appeal Ref: APP/W1715/D/14/2218393
1 Hiltingbury Close, Chandler's Ford, Eastleigh, Hampshire, SO53 5NY

- 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 Matthew Stillwell against the decision of Eastleigh Borough Council.
- The application Ref F/14/73876 was refused by notice dated 21 February 2014.
- The development proposed is installation of new horizontally close boarded 1.8m fence to the rear and side boundary of 1 Hiltingbury Close.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the development had been carried out before the date of the application, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990 (the Act) for retrospective planning permission for the development originally carried out, namely the installation of new horizontally close boarded 1.8m fence to the rear and side boundary of 1 Hiltingbury Close.

Main issues

3. The main issues raised in this appeal are:

   a) the effect of the development on the street scene, and

   b) the effect of the development on highway safety.

Reasons

Issue a) Street Scene

4. The appeal property is the end property of a short terrace of houses within a small development of similar style houses within a predominantly residential area, leading off Hiltingbury Road. The appeal property, reflecting its siting at the front of the Hiltingbury Close development has a larger plot than some of the houses with part of its garden to the side and bounding Hiltingbury Road. Although there are a few examples of boundary fences fronting Hiltingbury Road, the street scene is predominantly characterised by verdant frontages of low brick walls and hedges. Turning into the small development of Hiltingbury Close, the frontages are predominantly verdant and open.

5. The fencing which has been erected along the Hiltingbury Road boundary and turning the corner into Hiltingbury Close is 1.8m in height, of close boarded horizontal wooden panels. Although there are a few places where planting is starting to appear over or through the panels, the general appearance of the fencing, given its overall length and height as well as the materials, is stark and unduly prominent and, as a result, visually intrusive within the wider, verdant street scene of Hiltingbury Road. The solid enclosed form of the fencing also appears as an alien feature in the entrance to Hiltingbury Close with its more open verdant frontages.

6. I therefore conclude that the fence does harm the street scene. It also conflicts with Policy 59.BE of the adopted Eastleigh Borough Local Plan Review 2001 – 2011 and guidance in the Council's Supplementary Planning Document 'Quality Places' which seek high quality development which respects the local context. The Council has also referred in its reasons for refusal to Policy DM1 of the Revised Pre-Submission Eastleigh Borough Local Plan (2011 – 2029). Although this Plan is not yet adopted Policy DM1 carries forward the objectives of the adopted Local Plan and in so far as it reflects the National Planning Policy Framework and in particular Section 7, I have taken it into account.

7. The Appellant has offered to stain the fencing in an alternative colour, but I do not consider that this would overcome the harm I have found in terms of the overall length, height and form of the fencing. I have sympathy with the Appellant's reasons for seeking to enclose his garden but these personal reasons do not outweigh the harm I have concluded to the street scene.

Issue b) Highway safety

8. Given the set back of the boundary to the appeal property around the junction of Hiltingbury Close with Hiltingbury Road, and as a result of my site visit, I am satisfied that the fence does not unacceptably impede sight lines for vehicles and pedestrians entering or leaving Hiltingbury Close.

9. However, I do share the concerns of the Highway Authority regarding the impact of the fence on the visibility splays for vehicles exiting the appeal site and not being able to see vehicles entering Hiltingbury Close and for vehicles entering Hiltingbury Close not being able to see vehicles exiting the appeal site. This is unacceptable in highway safety terms and conflicts with Policy 59.BE of the adopted Eastleigh Borough Local Plan Review 2001 – 2011, and in particular criterion v.

10. The Appellant has offered to revise the siting of the fence to overcome this concern and were no other matters of concern and planning permission were to be granted, I consider that this issue could be addressed through the imposition of a condition to require an amended siting for the fence to be approved and implemented. However, this would not overcome the harm I have concluded to the street scene, and my conclusion on this issue remains compelling leading to the refusal of planning permission.

11. For the reasons given above and having regard to all other matters raised including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR