

Appeal Decision

Site visit made on 8 May 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.05.2024

Appeal Ref: APP/W1715/D/23/3335724

32 Bradshaw Close, Fair Oak, Eastleigh, SO50 7BS

- 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 S Cole against the decision of Eastleigh Borough Council.
 - The application Ref H/23/94919, dated 22 March 2023, was refused by notice dated 5 October 2023.
 - The development proposed is replacement patio and fencing, new boundary fence facing Mortimers Lane.
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Decision

1. The appeal is allowed and planning permission is granted for replacement patio and fencing, new boundary fence facing Mortimers Lane at 32 Bradshaw Close, Fair Oak, Eastleigh, SO50 7BS in accordance with the terms of the application, Ref H/23/94919, dated 22 March 2023, subject to the following conditions:
 1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 004, 005 Rev F and B.C,006 Rev F.
 2. Within 3 months from the date of this permission, the existing boundary treatment along the southern side of the patio/terrace (i.e., the first 3 panels from the rear of the dwelling) shall be raised to a height of 1.8 metres above the level of the patio/terrace. The revised boundary treatment shall match as closely as possible, in type, colour and texture that used on the remainder of the southern boundary fence and be retained for the lifetime of the development.

Preliminary Matters

2. For clarity I use the Appellant's description above.
3. The development has been largely completed; this does not alter my approach to determining the merits of the proposal.

Main Issue

4. The main issue is the effect of the proposal on living conditions for neighbours.
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Reasons

Living conditions

5. The appeal property is a two-storey detached home fronting Bradshaw Close on a corner plot with a generous rectangular garden. It is at the start of a well-presented suburban cul de sac of houses and bungalows. The proposal is as described above.
6. The Council has concerns over height and proximity of nearest sections of fencing and a raised patio of this size, position and height impacting on neighbouring visual amenity and outlook. These views echo the concerns of the nearest neighbours.
7. The plan is for the first three panels of fencing at right angles stemming from the rear elevation of the appeal property and running along the shared rear side boundary to be 1.8 metres in height measured from the top of patio level. For normal use this would prevent intrusive side-ways overlooking from the patio area.
8. The issue however is that the neighbouring ground level is lower and so the fence would effectively be higher from that side. Potentially this raises issues of dominance and loss of outlook but in this instance ground change is not excessive and I would assess that the relative height of the screen, about 2.3 metres, would not be excessive and would not unacceptably impact on amenity. By way of reference, this is the sort of comparable height that countless single storey extensions built abutting similar boundaries around the country would display. Furthermore, the panels would be positioned on almost the north side of the neighbouring house and garden; shadowing would not be an issue. It is also pertinent that the neighbouring garden is a generous west facing one and offers a considerable, pleasant open outlook down its length not reliant upon sideways viewing.
9. I would deem that the patio in area terms is not excessive relative to garden size. It does elevate the part of the outside amenity area because it effectively levels slopes south and west where previously there was some falling away of land. I fail to see how in its own right it would unduly impact upon neighbouring visual amenity. What it does do, towards its outer edge, is allow for some additional looking towards neighbouring gardens on a long diagonal view. However most important and private areas abut the rear of dwellings and in a suburban situation there will almost always be some inter-visibility of parts of rear gardens whether that be of external looking or through windows. This patio would not lead to anything out of the ordinary or an amenity that residents on this medium density layout would not expect. A good quality environment will continue to prevail.
10. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) is pertinent. Amongst other matters it underlines that development should not have an unacceptable impact on neighbouring residential amenities. Whilst I appreciate the concerns raised by the Council and neighbours, I do conclude that there would not be conflict with this policy. In my opinion the appeal scheme would also not run contrary to the relevant objectives of the Council's Quality Places SPD (2011) albeit this cannot be expected to cover every eventuality in detail.

Other matters

11. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Conditions

12. The Council suggests a condition that works align accordance with listed, approved, plans; I agree with this, to provide certainty. I also agree that relevant fence panels should be raised within a short period of time and retained in the interests of residential amenity.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have an unacceptable effect on living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond
INSPECTOR