
Appeal Decision

Site visit made on 7 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/N1730/D/17/3166449

Mymms Corner, Stockton Avenue, Fleet GU51 4NS

- 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 Chris Thorpe (Heronswood Developments Ltd) against the decision of Hart District Council.
 - The application Ref 16/02714/HOU, dated 9 October 2016, was refused by notice dated 30 December 2016.
 - The development is the erection of an 1800 close boarded fence with concrete posts and gravel boards.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a 1800 close board fence with concrete posts and gravel boards on the front boundary of the site along Stockton Avenue at Mymms Corner, Stockton Avenue, Fleet GU51 4NS in accordance with the terms of the application Ref 16/02714/HOU, dated 9 October 2016, and the plans numbered 1308/01, 181016/1 and 181016/2 A, subject to the following condition:
 - 1) If, within a period of five years from the date of this permission, any of the existing planting (as indicated on drawings nos. 181016/1 and 181016/2) on the front boundary of the site with Stockton Avenue in front of the approved fencing is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, replacement planting of the same size, species and number as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original planting, unless the local planning authority gives its written consent to any variation.

Preliminary Matters

2. The Council's officer report confirms that the application relates only to the boundary fence along Stockton Avenue and not the side boundary fence. I have determined the appeal on this basis. I also note that the fence has already been constructed on the site. The description of development in my decision above has been altered to reflect this.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the North Fleet Conservation Area.
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Reasons

4. The North Fleet Conservation Area is generally characterised by substantially sized detached dwellings set within large and well landscaped gardens. Although there are other timber fences on the southern part of Stockton Avenue, the frontages along this northern part of Stockton Avenue are predominantly characterised by mature hedging which makes a significant contribution to the sylvan appearance of the area. There is another fence close to the appeal site, but the Council says that this is not authorised.
5. Section 4.4 of the North Fleet Conservation Area Character Appraisal and Management Proposals (2008) refers to there being some use of timber fencing which merges well with the leafy gardens and planted boundaries. However, the detailed assessment of Character Area 8, within which the appeal site is located, notes that the use of timber fencing can be negative feature.
6. In this case the fence is set back approximately 0.8m from the front boundary of the site. Without any screening hedging, I consider that the fence would appear as an unacceptably incongruous within the streetscene. Nevertheless, landscaping (Portuguese Laurel) has been planted in front of the fence. Whilst this new landscaping is not yet fully established, it does soften the impact of the front boundary fence and as it grows denser it will provide a more effective screen, forming a boundary treatment which would be sympathetic to the character and appearance of this part of the Conservation Area.
7. The Council accepts that the newly planted hedge partially covers the fencing and will grow denser over time but that it is not a feature which can be enforced to be retained in perpetuity. Nevertheless, taking into account that the hedge has been newly planted following the erection of the fence, I consider it unlikely that either the current or future owners would wish to remove the hedge. A condition can also be attached to preserve the planting over the next five years in order to allow it to be properly established. I consider this further below.
8. On this basis, I am satisfied that the fence preserves the character and appearance of the Conservation Area. It accords with the relevant design aims of saved policies GEN1 and CON13 of the Hart District Local Plan (Replacement) 1996 -2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006, and the North Fleet Conservation Area Character Appraisal and Management Proposals (2008).

Conditions

9. A condition requiring that the development is carried out in accordance with the approved plans is not necessary as the fence has already been constructed. is not necessary in this instance as the development has already been carried out. The approved plans are, however, in my formal decision.
10. The Council has suggested a condition requiring a scheme of replacement planting to be approved and implemented. It has not, however, provided the reasons why it regards such a condition to be necessary. I have sought further comments from the appellant on this suggested condition.
11. I have had regard to the existing planting in my reasoning above. Whilst, this existing planting is yet to mature and does not currently fully screen the fencing, it will provide for a more effective screening as it establishes and

grows. From the information before me, I do not consider it necessary for a scheme of replacement planting to be approved as suggested by the Council. However, as the existing planting is a significant factor in my decision to allow the appeal, I consider it necessary to attach a condition protecting the existing fencing for a period of five years, with replacement planting to be provided as necessary in accordance with the terms of the condition. Following this five year period, the planting should be properly established and I see no significant likelihood that it would subsequently be removed.

Conclusion

12. For the above reasons, and having regard to all other matters, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR