



Appeal Decision

Site visit made on 20th February 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/H1705/W/18/3217297

100 Avington Way, Sherfield-on-Loddon, Hook, Hampshire, RG27 0FN

- 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 Sleight against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/02528/FUL, dated 24 August 2018, was refused by notice dated 8 November 2018.
 - The development proposed is change of use of open space to residential land enclosed by a 2.3m high brick wall
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area;
 - the provision of open space in the area, and;
 - pedestrian safety in the vicinity of the appeal site.

Reasons

Character and appearance

3. This newly constructed residential estate has a dense built form comprised of a mix of terraced houses and closely spaced detached and semi-detached dwellings, with high screen walls to private rear domestic garden/curtilage areas, with open areas of landscape verge adjoining. The appeal proposals would enclose the majority of an area of a verge abutting one of these screen walls.
4. The resulting loss of open verge would be substantial. The proposed boundary wall would step out to the back of the footway, beyond the building line created by the gable end wall of 100 Avington Way and the main façade walls of the semi-detached dwellings fronting on to this section of Avington Way to the north of the appeal site. I have noted the photographs submitted by the appellant and saw during my site visit that screen walls adjacent to the footway/carriageway are present on secondary roads in the area.
5. Avington Way is a main circulatory route and has a different character from the secondary roads in the area. Walls with the same relationship to the highway as

the proposal are not evident elsewhere along Avington Way. The projection out to the back edge of the footway of such a high, screen wall would appear distinctly incongruous given this context, jarring with the strong visual character of the local streetscene.

6. I conclude that the proposal would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of EM1, EM5 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 (the Local Plan) which seek, amongst other things, to ensure new development is of high quality, protecting and enhancing landscape and local character and green infrastructure provision.

Open Space

7. The landscaped verges within the area are clearly part of an original, cohesive design, intended to create a sense of openness and space around new residential properties, which have little by way of green space evident between dwellings and their side property boundaries within their individual, private domestic curtilages/gardens. Whilst individual spaces such as the appeal site verge are not active recreational space, they form an element of a larger whole and have still been counted towards the quantum of open space provided within the estate development overall.
8. No robust assessment of the lack of need to retain this space as part of the original contribution made within the comprehensive estate development scheme has been provided in accordance with the requirements of Policy EM5 of the Local Plan. The current proposal would not leave any space for planting between the new wall and the back edge of the footway.
9. I conclude that the loss of the appeal site as open space without the benefit of any robust assessment and/or compensatory provision would cause harm to the provision of open space in the area. The proposal would, therefore, be contrary to the relevant requirements of Policies EM10 and CM9 of the Local Plan which seek, amongst other things, to ensure new development is of high quality, protecting and enhancing landscape character and green infrastructure provision.

Pedestrian Safety

10. The appellants private driveway separates the appeal site from 102 Avington Way and abuts the northern boundary of the appeal site. The proposal would result in a 2.3m high solid wall immediately adjacent to that driveway at its junction with the crossover point on the public footway. Due to the height, location and configuration of the wall shown on the submitted drawings, this would result in the driver of any vehicle emerging from the driveway being unable to see pedestrians on the footway to the south and for pedestrians travelling northwards. This lack of forward visibility would result in conditions prejudicial to pedestrian safety.
11. Whilst the Council have not provided a copy of their highway standards in respect of visibility from private drives, I have noted from the photographs provided by the appellant and my own observation when I visited the site, that in every case where there is a high wall adjacent to a private driveway it includes a chamfer at the junction with the footway providing visibility splays, clear of obstruction,

which appear to be sufficient to allow effective inter-visibility between drivers and pedestrians at these points.

12. I conclude that the proposal would cause harm to pedestrian safety in the vicinity of the appeal site. It would be contrary to the relevant requirements of Policies EM10 and CN9 of the Local Plan which seek, amongst other things, high quality development to ensure highway safety.

Other Matters

13. It is fully appreciated that not only do the Parish Council support the current proposal, but that there is no expression of local objection and that the space is privately owned and maintained by the appellant, rather than being in public ownership. These factors do not, however, negate the requirement to make the rigorous assessment and/or compensatory provision required under the terms of the policy.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR