



Appeal Decision

Site visit made on 15 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/N1730/W/19/3230563

35 Highland Drive, Fleet GU51 2TH

- 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 Neil Henke against the decision of Hart District Council.
 - The application Ref 18/02361/FUL, dated 15 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is change of use of amenity land (Area 14.6 sqm) to be included within residential boundary and erection of a timber fence to enclose said land.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence has been erected and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) on highway safety.

Reasons

Character and appearance

4. Highland Drive is a residential cul-de-sac characterised by detached and semi-detached dwellings with moderate spacing and set back from the pavement by gardens and grass verges such that the area has a pleasant open and green character and appearance.
5. The appeal property, No 35 Highland Drive (No 35), lies on the corner of Highland Drive and a minor sub-road from which a small number of properties including the appeal property are accessed. The fence has been erected around a portion of land to the side of No 35 such it borders the pavement on Highland Drive. Given its height and prominent position, it forms an incongruous feature in the street scene which is at odds with the prevailing character.
6. I acknowledge that the site has an atypical layout, however given its position, the fence nevertheless has a prominent position in the street. I note that there are other tall fences adjacent to the pavement in the wider area. However, given the location of the fence, it has a closer relationship with the vicinity around the site

which has a spacious character and appearance. I also note the trellis above the fence, which may in future support plants. Furthermore, I acknowledge the willingness of the appellant to accept a condition to paint the fence an alternative colour. However, given the height and prominent position of the fence, these would not mitigate the adverse effects of the fence on the open character and appearance of the area.

7. Consequently, the development harms the character and appearance of the area and conflicts with Policies GEN 1(i) and GEN 4 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policies (LP) which require developments to be in keeping with the local character and sustain or improve the urban design qualities of towns.

Highway safety

8. The fence lies adjacent to the driveway of No 37 Highland Drive (No 37). Given the position of the fence adjacent to the pavement and the close proximity to the driveway of No 37, vehicles would be unlikely to have adequate visibility of approaching pedestrians on the pavement when pulling out of the driveway of No 37, particularly when reversing. While I note the visibility splay indicated on the drawing, this has been taken from a position further away from the fence. Consequently, there is an increased risk of collision with pedestrians such that the fence results in an unacceptable effect on highway safety.
9. Given the curve in the road and angle of the fence, there is adequate visibility of vehicles approaching along Highland Drive when exiting the driveway such that the fence does not unduly impede visibility of approaching vehicles from the driveway of No 37. As such, there is satisfactory visibility to allow motorists adequate time to react to oncoming vehicles such that highway safety is not unacceptably affected in this particular respect. However, this does not override my concerns with regard to pedestrian visibility.
10. Consequently, the proposed development would unacceptably affect highways safety and would conflict with LP Policy T14 which requires developments to make adequate provision for highway safety. It would also conflict with the Framework in this regard.

Other Matters

11. While the fence may have brought an unused grassed area within the private amenity space of No 35, this does not override the harm to character and appearance and highway safety identified above.
12. I acknowledge other local concerns including land ownership and loss of a tree. I also note concerns regarding the accuracy of the drawing. However, these have not altered my overall decision.

Conclusion

13. For the reasons given above the appeal is dismissed.

R Sabu INSPECTOR