
Appeal Decision

Site visit made on 24 September 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/M1710/W/19/3232659

Hill View, 27A Southdown Road, Horndean, Waterlooville PO8 0ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Denton against East Hampshire District Council.
 - The application Ref 22321/015, is dated 25 March 2019.
 - The development proposed is described as '*erection of wall adjacent to a highway*'.
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Decision

1. The appeal is dismissed and planning permission refused for the erection of front boundary walls and gates.

Application for costs

2. An application for costs was made by Mr A Denton against East Hampshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal is against the Council's failure to determine an application for planning permission.
4. The appellant has confirmed that the appeal submitted in the name of Mr A Denton (Mr Anthony Denton) is the same person that submitted the planning application in the name of Mr T Denton (Mr Tony Denton).
5. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the Council's planning committee report, the appellant's appeal form and statement and submitted plans, that the proposal before me is for the erection of front boundary walls and gates. I have considered the appeal on this basis. Moreover, the appellant's appeal form describes the development as 'retention' of front boundary walls and gates, however 'retention' is not an act of development.
6. The application was made retrospectively and at the time of my site visit I saw that the walls and gates had been constructed and were complete.

Background and Main Issue

7. The Council has stated that if it had been in a position to determine the planning application it would have refused it, being of the view that the development harms the character and appearance of the area.

8. Therefore, the main issue is the effect of the development upon the character and appearance of the area.

Reasons

9. The site lies within a residential area comprising mainly large detached properties set within spacious plots. Some properties on Southdown Road south of the appeal site have open frontages with soft landscaping. However, in the vicinity of the site where properties have boundary treatments, these are predominantly formed with trees, hedges of varying heights and other foliage. Where there are also fences and walls they are in general low in height or set back from the edge of the highway and in the main their appearance is mostly softened by close planting. Therefore, the predominant character of the boundary treatments to properties in the vicinity of the site is soft and verdant.
10. The walls and wooden gates at No 27A are approximately 1.9 metres high and are close to the edge of the highway. They are solid in construction and the walls are rendered and painted a light colour, therefore are at odds with the aforementioned soft and verdant characteristics of boundary treatments in the area. The position, height and appearance of the walls and gates is such that they are an incongruous feature which visually dominate the vista when viewed from either way along Southdown Road. Thus, they have a significant adverse impact on the character and appearance of the area.
11. The walls could be painted a dark colour to help reduce the visual impact, however they are solid and close to the edge of the highway and the harm caused is sufficient to justify withholding planning permission.
12. For the above reasons, the development is significantly harmful to the character and appearance of the area. Consequently, in this regard, it does not accord with Policy CP29 of the adopted East Hampshire District Local Plan: Joint Core Strategy 2014, the East Hampshire District Local Plan 'Residential Extensions and Householder Development' Supplementary Planning Document 2018 and Chapter 12 of the National Planning Policy Framework which, amongst other things, set out to ensure that the design of proposals respect the character of existing development in the surrounding area.

Other Matters

13. I have taken into account the examples of front boundary walls referred to by the appellant. I note the development at No 37 Southdown Road, however the height, design, materials and position of the walls relative to the highway differ from the appeal development. Moreover, I am not aware of the full circumstances of this case. In any event I have determined the appeal development based on the circumstances of the site and the evidence before me. I also note that a front boundary wall has been allowed at No 157 Portsmouth Road, but this is in a different area to the appeal site. The existence of these other boundary walls referred to by the appellant does not alter or outweigh my conclusions on the main issue.
14. I note some third-party support for the development on grounds the walls match the renovation of the house, help reduce the noise from high performance cars at the site and afford improved privacy. However, these are not considerations that outweigh the harm that I have identified.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Andrew Bremford

INSPECTOR