
Appeal Decision

Site visit made on 15 June 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/N1730/W/20/3246974

14 Barberry Way, Blackwater, Camberley GU17 9DX

- 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 John Trumper against the decision of Hart District Council.
- The application Ref 19/02336/FUL, dated 18 November 2019, was refused by notice dated 5 February 2020.
- The development proposed is entered onto the application form as follows:

"No14 and No15 have a mixed conifer and privet hedge approx 5.5m tall adjacent to the footpath and within 2m of the carriageway of Hawley Road. Our boundary location is @40m south of Medlar Drive extending 40m to the boundary of property known as 'Westwood'. We propose to erect a wooden fence against the base of and outside of the combined hedge.

The fence will be up against the base of the hedge with lower branches trimmed to accommodate the fence within the existing hedge line without damaging the hedge or encroaching any further towards the nearby existing pathway.

The style of fence will match the same as Westwood next door and the two properties in sight the other side of the same road. The primary purpose is to stop our children and pets exiting our gardens through the existing hedge onto the busy road. A secondary consideration is to reduce traffic noise from Hawley Road and to increase security. It will also make it an easier task to keep the path clear from annual growth.

Using 40x Closeboard panel (180cmx180cm) wooden fence with concrete posts, and concrete 30cm gravel boards.

There is no change of access to our properties which remains via private drive from Barberry Way."

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken directly from the planning application form. However, the proposal could be described more concisely as the erection of a 1.8m high closeboard fence to the boundary of 14 and 15 Barberry Way fronting onto Hawley Road. This is the wording used on the decision notice.

3. The appellant has indicated a willingness to accept an amendment whereby the proposed fence is located inside the coniferous hedge, before switching to the outside of the privet hedge. However, my determination is made against the plans which formed the basis for the Council's decision.
4. The local planning authority acknowledges that the reference to Fernhill Road within the second refusal reason is an error and confirms that the principal concern is the impact on Hawley Road.
5. The Council issued its decision prior to the adoption of the Hart Local Plan (Strategy and Sites) 2032 (HLP). Emerging policy cited on the decision notice is now part of the development plan, in some cases with different policy numbers. Policies CON13 and CON17 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (HDLRP) have been superseded. My decision must take into account the development plan as it exists now, albeit I note that there has been no change to the general thrust of policy insofar as it relates to the appeal scheme.

Main Issues

6. The main issues are the effects of the proposal on the street scene of Hawley Road and the setting of the Hawley Park and Green Conservation Area.

Reasons

7. Hawley Road marks the easternmost boundary of the Hawley Park and Green Conservation Area which also incorporates the locally listed Hawley Park and Garden. Gaps in the roadside hedging facilitate attractive views across the pasture and parkland which distinguish these heritage assets. The character of Hawley Road itself, where it adjoins the conservation area, is that of a verdant green corridor. The predominance of trees and vegetation provides a buffer to modern housing development to the north-east of Hawley Road and this helps to preserve the rural qualities of the conservation area, as highlighted in the Character Appraisals and Management Proposals (2012). The hedging at 14 and 15 Barberry Way comprises domestic species but it nevertheless contributes positively to the street scene.
8. The proposed fence would be erected to the road side of the hedging and would abut the rear edge of the pavement. The structure would extend for a distance of approximately 73m along Hawley Road at a height of 1.8m. The fence could be up to 0.18m taller as concrete gravel boards would be used to even out the ground level. The upper sections of hedging would be visible above the fence, but this would not mitigate the adverse visual impacts. The new fence would have a dominant physical presence on the street scene and would be particularly stark and visually intrusive for footway users. The hard boundary treatment would be at odds with the verdant surroundings and the rural character, which is an important part of the setting to the conservation area, would be harmed.
9. The appellant has drawn my attention to various examples of fencing elsewhere in the locality, including at Park Villas (diagonally opposite the site on Hawley Road) and adjacent at Westwood. These fences are generally lower in height, shorter in length and/or set back behind a grass verge. As such, they are not directly comparable to the appeal scheme in terms of their visual impact.
10. The National Planning Policy Framework explains that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing

justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

11. The appellant explains that the primary purpose of the fence is to stop children and pets exiting gardens through the hedge onto the busy road. Secondary considerations are to reduce traffic noise and to increase security and privacy. Whilst these are material considerations I have taken into account, they are essentially private benefits. The fence would help to keep the footway of Hawley Road clear of vegetation overgrowth and this would constitute a public benefit; however, it does not outweigh the harm to the setting of the conservation area.
12. Reference is made within the appellant's evidence to a scheme of 158 dwellings which has been permitted at Hawley Park Farm. I have not been given full details of the approved layout for this site, and in particular the proposed boundary treatments with Hawley Road, but in any event the site is not within the same visual envelope as the appeal site. The decision to permit housing in this location does not justify the adverse impacts that would arise from allowing the appeal.
13. Accordingly, I conclude that the proposal would cause unacceptable harm to the street scene of Hawley Road and the setting of the Hawley Park and Green Conservation Area. It would conflict with HLP Policies NBE8 and NBE9 and saved HDRLP Policy GEN1. Together these policies seek to protect heritage assets and their settings and promote development of high quality design which positively contributes to the overall appearance of the local area.

Conclusion

14. For the reasons given above and having regard to all other matters raised, including the absence of objections and the practicalities (or otherwise) of erecting fencing along the route of an existing rockery, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR