



Appeal Decision

Site visit made on 16 November 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/M1710/W/20/3256965

17 Lovage Way, Horndean, Waterlooville PO8 0JG

- 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 and Mrs K Sweeney against the decision of East Hampshire District Council.
 - The application Ref 58654/001, dated 20 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is change of use of a small section of amenity land to the rear to residential use and enclose it with timber fencing, with concrete posts to match the existing garden fencing.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of a small section of amenity land to the rear to residential use and enclose it with timber fencing, with concrete posts to match the existing garden fencing at 17 Lovage Way, Horndean, Waterlooville PO8 0JG in accordance with the terms of the application, Ref 58654/001, dated 20 May 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Block/Site Plan.

Application for costs

2. An application for costs was made by Mr and Mrs K Sweeney against East Hampshire District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue for consideration is the effect of the proposal on the street scene of Downwood Way.

Reasons

4. The land proposed for change of use lies adjacent to Downwood Way, a main distributor road running through an area of modern housing. The road is dominated by tall brick walls, some of them retaining structures, abutting the back edge of the pavement. The walling is set back at various points to allow space for street trees and pockets of landscaping, but the overall impression is

- that of a stark urban environment. Some visual relief is provided by the grass verges at either end of the road and at the entrances to cul-de-sacs where greenery in gardens takes on greater prominence.
5. The appeal site forms part of a parcel of low level shrub planting behind which timber fences mark the garden boundaries of 17 and 19 Lovage Way. This is amenity land, almost certainly part of the landscaping for the original housing scheme. However, for whatever reason it falls within the ownership of adjoining householders. The Highway Authority has indicated that it will no longer be trimming back vegetation from the footway and future maintenance will fall to the appellants; this advice has prompted the removal of a number of shrubs.
 6. The loss of any vegetation is regrettable. However, the small (3.8 m²) section of planting bed to the rear of No 17 made a relatively minor contribution to the greening of Downwood Way as a whole. Its removal has had a negligible impact on the street scene. I am mindful that the shrubbery to the rear of No 19 has been retained and that trees and other, more significant, areas of planting continue to soften the general appearance of the area.
 7. Even if I had taken the opposite view that the appeal site was an important parcel of amenity land, the likelihood of the appellants or any future occupier of No 17 reinstating landscaping outside of their residential curtilage is slim. This is a material consideration to which I have attached substantial weight.
 8. The Council contends that the proposed fencing would be out of character. However, the new boundary treatment would be in keeping with adjacent fencing at 19 Lovage Way and it would read as a continuation of existing fencing at No 1. The parish council alleges that the latter is unauthorised but there is nothing in the local planning authority's evidence to verify this.
 9. The proposal would be in context with its immediate surroundings, despite the dominance of brick walling in Downwood Way. The 1.8m fencing would be an improvement upon leaving the land in its existing unkempt state or the slightly incongruous alternative of enclosing it with 1 m high fencing which would not require planning permission. There is a more than theoretical prospect of these scenarios occurring in the event of the appeal being dismissed.
 10. I conclude that the proposal would not result in unacceptable harm to the street scene of Downwood Way. There would be no conflict with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014) insofar as it seeks to ensure that development respects the character, identity and context of the district's towns, villages and countryside. Furthermore, the proposal would comply with the Residential Extensions and Householder Development Supplementary Planning Document (2018) which seeks to ensure that new boundary treatments are sympathetic to the surroundings and do not harm the street scene.
 11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard commencement condition I have attached a condition specifying the approved plans to provide certainty. The Council's suggested condition regarding materials is unnecessary.

Robert Parker

INSPECTOR