
Appeal Decision

Site visit made on 14 September 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/N1730/W/21/3273658

14 Attlee Gardens, Church Crookham, Fleet GU52 6PH

- 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 Phil Hart against the decision of Hart District Council.
 - The application Ref 21/00554/FUL, dated 24 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is change of use of the land from amenity to private garden and erection of a 1.8m high close boarded fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is the description used by the Council and matches that on the appeal form. This is a more precise description of the development involved than that used on the planning application form.
3. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of future and neighbouring occupiers, having regard to crime and anti-social behaviour.

Reasons

Character and appearance

5. The site is located on the west side of Attlee Gardens, which is a cul-de-sac leading off Portland Drive, within a suburban residential area. This part of the housing estate comprises predominantly open plan frontages, including soft-landscaped front gardens and verges adjacent to the roadside footpaths. These visually prominent soft landscaped areas make a positive contribution to the

urban environment and contribute to a pleasant, open and verdant street scene.

6. The proposal would replace an existing close boarded fence, which encloses the side/rear garden of the appeal site, with a fence of a similar height and design. The existing fencing is set back behind a deep grass verge. The proposal would incorporate this public amenity land grassed area into the private garden of the appeal property, leaving a remaining strip of grass approximately 1.0m deep adjacent to the pavement.
7. The existing fence and grass verge extend beyond the appeal site to in front of the adjacent property at 15 Attlee Gardens. That land is not included within the appeal site, and there are no proposals to alter the adjacent fencing within the current appeal scheme. Whilst visible within the street scene, the existing fencing does not have an unduly harmful impact on the townscape due to its set back position and the existence of a soft-landscaped area to the front.
8. Notwithstanding the change in ground level across the grass verge, the appeal scheme would have a discernibly greater visual impact on views from the public realm than the existing fencing on the appeal site. This is due to a combination of the proposed height and solid design of the fencing, its proposed close proximity to the back of the public footpath, and the introduction of two side-facing elements. Furthermore, its visually prominent position, close to the turning heads within Attlee Gardens and the road junction with Portland Drive, which is open with splayed grassed verges to both sides, means that the proposal would be evident within the public realm when approaching the site from within Attlee Gardens and from Portland Drive.
9. The fencing would appear as a visually intrusive and incongruous feature within the street scene. It would result in a closed-in and hard front boundary treatment, which would be at odds with, and harmful to, the prevailing open and soft-landscaped character of the back of pavement areas within the locality.
10. I have considered whether the fencing could be appropriately screened by the introduction of new planting to the front and sides. However, there is no cogent evidence before me that the resulting narrow grass verge between the repositioned fence and the road is of sufficient depth to satisfactorily accommodate soft landscaped planting that would grow to provide effective screening and would survive in perpetuity.
11. Similarly, it appears from the information and plans before me that there would not be sufficient space to provide soft landscaping to screen the side elements of the proposed fencing, given the position of the fencing immediately adjacent to the side boundary with 15 Attlee Gardens, and having regard to the proposed parking layout in front of the appeal property, which would extend to within close proximity of the side fencing.
12. I observed, during my site visit, several close boarded fences of a similar height and design to the appeal scheme, including fencing at 1 Attlee Gardens opposite the appeal site. I have not been provided with the detailed planning history of these fences, which in some cases are set back from the highway and largely screened by soft landscaping. Notwithstanding this, I find that such fencing does not make a positive contribution to the street scene, and its

existence does not justify further harm to the character and appearance of the area.

13. I have noted the Council's concern that the position and nature of the fence could potentially attract graffiti, to the detriment of the visual amenities of the locality. The existing fence, which is readily accessible to passers-by, has not attracted graffiti. The Council has not drawn my attention to any other instances of graffiti within the locality of the site and neither did I observe such during my site visit. Accordingly, I have insufficient evidence before me to support the Council's concerns in this respect.
14. For the above reasons, I therefore conclude that the development would cause significant harm to the character and appearance of the area. As such, the appeal scheme would be contrary to Policies NBE2 and NBE9 of the *Hart Local Plan: Strategy and Sites 2016 – 2032* (2020) (the HLPSS), Saved Policy GEN1 of the *Hart District Local Plan (Replacement) 1996-2006* (2020) (the HDLP) and Policies 10 and 10A of the *Fleet Neighbourhood Plan 2018 – 2032* (2019) (the FNP).
15. These policies, amongst other things, aim to ensure that development proposals seek to achieve a high quality design, positively contribute to the overall appearance of the local area, and are in keeping with the local character by virtue of their design, height, prominence, materials and siting.
16. For similar reasons, the proposal would also be contrary to Chapter 12 of the *National Planning Policy Framework 2021* (the Framework) which seeks to ensure high quality design.

Living conditions

17. The council is concerned that the proposal would result in an increased opportunity for crime and anti-social behaviour within the vicinity of the appeal site. Having regard to my above conclusions in respect of the likelihood of attracting graffiti, I find that there is no evidence before me that there would be an increase in crime and anti-social behaviour as a result of the appeal scheme. Furthermore, the proposed enclosure of the existing open space would reduce the potential for people to congregate and carry out anti-social behaviour in front of the appeal site.
18. For the above reasons, I therefore conclude that the development would not cause significant harm to the living conditions of future and neighbouring occupiers, having regard to crime and anti-social behaviour. As such, it would accord with HLPSS Policy NBE9, in so far as this policy requires the design of external spaces to be designed to reduce the opportunities for crime and antisocial behaviour.
19. For similar reasons, the proposal would also accord with paragraph 130 f) of the Framework, in so far as it requires developments to create places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

20. I have had regard to the appellants' reasons for seeking the appeal proposal, in respect of improving the existing outdoor amenity space. However, I am

mindful of the advice contained in Planning Practice Guidance¹ that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the Development Plan and the Framework.

21. I acknowledge that the proposal would not result in harm to highway safety, having regard to maintaining adequate visibility. However, this is a requirement of the development plan in any case, and does not outweigh my conclusion on the first main issue.

Conclusion

22. Whilst I have found no harm to living conditions, the harm I have found in respect of the character and appearance of the area is sufficient to justify dismissing the appeal.
23. For the above reasons, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

1 Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'