



Appeal Decision

Site Visit made on 13 September 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/W1715/D/21/3275566

9 Selwyn Gardens, Eastleigh SO50 4PX

- 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 Mrs Abbie Dane against the decision of Eastleigh Borough Council.
 - The application Ref H/20/89077, dated 22 October 2020, was refused by notice dated 11 March 2021.
 - The development proposed is described as a 6ft fence around the perimeters of garden.
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Decision

1. The appeal is allowed and planning permission is granted for a 6ft fence around the perimeters of garden at 9 Selwyn Gardens, Eastleigh SO50 4PX in accordance with the terms of the application, Ref H/20/89077, dated 22 October 2020, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved drawings: Location Plan (LOC 1); Block Plan (BLOC 2); and Site Plan (SITE 01).

Preliminary Matters

2. The proposed fence has already been erected. References to the development in this decision therefore relate to development which has been carried out.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded by the July 2021 version. Both parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property comprises an end-of terrace dwelling and is situated at the end of one of a series of residential cul-de-sacs which make up Selwyn Gardens. The appeal property is sited on the corner of a footpath which connects the end of Selwyn Gardens to a nearby school and other local facilities. The main bulk of the garden to the appeal property sits immediately adjacent to this footpath. There is an expanse of green space which sits south

of the section of footpath running north-west to south-east, which contributes to the verdant quality of the area.

6. Whilst some of the properties bordering the footpath do retain open gardens with low-level boundary treatments, many others are obscured from view by tall hedgerows and/or fences. This is also true of numerous other dwellings along Selwyn Gardens which are situated away from the footpath network. As such, tall boundary fences are a common feature of the locality, and are typical features of the footpath network which runs to the south of Selwyn Gardens. This means that the fence in this instance integrates properly with the street scene, without appearing dominant or alien.
7. Although the new perimeter fence does remove any contribution that the garden of the appeal property previously made to the openness of the wider estate, the expanse of green space which runs parallel with the footpath to the south of the appeal dwelling does ensure that a sufficient degree of openness is retained. This means that the fence can be accommodated without causing undue harm to the verdant quality of the path and its surrounds, thereby safeguarding the open and green character of the area.
8. For these reasons I am satisfied that the development does not harm the character and appearance of the area. The development therefore complies with Policy 59.BE of the Eastleigh Borough Local Plan Review (2001 – 2011) and Policy DM1 of the emerging Eastleigh Borough Local Plan (2016 – 2036), which require new development to take full and proper account of the context of the site, through appropriate scale, materials, layout, density, design and siting. The development would also be consistent with overarching design objectives of the Framework, which require new development to respond positively to the character and appearance of an area.

Other Matters

9. Whilst I acknowledge that the fence does have some limited impact on visibility at the footpath junction to the south-east of the appeal property, such issues are typical of footpath networks running in and around residential development areas. Moreover, I understand that there was a tall hedge previously in situ which would have impeded visibility along this stretch of the footpath in a similar way. As such, I do not consider that the fence exacerbates any visibility issues to an unacceptable degree, when considered against the pre-existing situation.

Conditions

10. I have included a plans condition to ensure certainty over the development hereby permitted.

Conclusion

11. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

James Blackwell

INSPECTOR