

Appeal Decision

Site visit made on 18 January 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2022

Appeal Ref: APP/C1760/W/21/3280884

61 Nutshalling Avenue, Rownhams SO16 8AY

- 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 Lee Fisher against the decision of Test Valley Borough Council.
 - The application Ref 21/01415/FULLS, dated 11 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is for removal of existing fence currently running along rear boundary and between the property and 4 Fairway Gardens, to be replaced with 7ft close board fence including gravel boards in the same location.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing fence currently running along rear boundary and between the property and 4 Fairway Gardens, to be replaced with 7ft closeboard fence including gravel boards in the same location at 61 Nutshalling Avenue, Rownhams SO16 8AY, in accordance with the terms of the application Ref 21/01415/FULLS, dated 11 May 2021, subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans: 1:1250 Site Location Plan, 1:500 Block Plan, 1:10 Elevation and 1:20 Elevation.

Main Issues

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal site is located within an established residential area which backs on to the A3057 Romsey Road. It falls at the end of a run of dwellings leading up to 95 Nutshalling Avenue to the north; the host dwelling is on elevated ground such that very little privacy is afforded to its rear garden area.
4. The aforementioned run of Nutshalling Avenue properties all have rear boundary fences erected on their side of the roadside ditch and vary in their appearance through a differentiation in heights, design and state of repair. The opposite side of the road is more mixed in its character with a range of commercial properties

including a pet supply business, a 4x4 vehicle sales and service centre, as well as a Premier Inn and Beefeater Restaurant. Nonetheless directly opposite the appeal site are other rear garden boundary treatments serving dwellings which front on to Toogoods Way, and also comprising a range of closeboarded fencing.

5. The Council point out that there is a slight decline along Romsey Road in a south-easterly direction such that each property's garden fence (odd nos 95 – 61 Nutshalling Avenue) is lower than its predecessor creating a staggered appearance using the topography of the land, although remaining approximately 1.8m in height. As rightly highlighted, there are examples of trellis being installed on top of fencing and whilst I am not in a position to state whether or not Planning Enforcement action can be taken against these, nonetheless they form part of the established character of the street scene. I note that the vegetation to the rear of the existing fence at no 61 has been removed, however over time no doubt this would grow back.
6. I accept that the proposed fence would protrude above its neighbour at no 63, although this would not be significantly so and whilst clearly it would be higher than the fencing of 5 Fairway Gardens, that dwelling's fence line demonstrates how over time its visual appearance can be softened through the growth of vegetation either side of the ditch. Furthermore, whilst fairly recently installed, it also demonstrates how the visual appearance of fencing can mellow over time.
7. It does appear that the rear fencing to no 5 is higher than 1.8m and notwithstanding the proposed difference in height by virtue of the slightly lower ground level, that dwelling and its setting would not be materially harmed by the proposal. I also noted on my site visit that due to the relative ground level of the rear garden of the host dwelling, the washing line and other domestic paraphernalia is clearly visible from Romsey Road and a slight increase in the rear boundary fence would help mitigate this impact to the benefit of the character and appearance of the area. With regard to the side boundary fence adjacent to 4 Fairway Gardens, it would run very approximately at right-angles to Romsey Road and therefore its visual impact would materially reduce the further away it leads in a north-easterly direction.
8. Therefore, on balance, I consider that the proposed boundary fencing would preserve the character and appearance of the area and would not conflict with Policies E1 or E2 of the Test Valley Borough Local Plan 2016 which together require development to integrate, respect and complement the character of the area in which it is located, including landscape character.

Conclusion and Conditions

9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
10. Other than the standard time limit condition, the Council recommends that a condition is imposed that requires the development to be carried out in accordance with the approved plans. I consider that in the interests of the character and appearance of the area that this condition is necessary.

C J Tivey

INSPECTOR