



Appeal Decision

Site visit made on 17 March 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref: APP/L1765/D/22/3291234

1 Pennington Close, Colden Common SO21 1UR

- 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 Nelianne Devexhiu against the decision of Winchester City Council.
 - The application Ref. 21/01818/HOU, dated 5 July 2021, was refused by notice dated 15 November 2021.
 - The proposed development is the incorporation of the land at side of the house with the garden, by extending the fencing further out.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description from the first sentence on the application form as it adequately describes the proposal.

Main Issue

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

Reasons

4. The appeal relates to a piece of open green land directly to the side of 1 Pennington Close's back garden. It comprises an attractive area of amenity grass, trees and shrubs in a prominent location on the junction with Tees Farm Road. The site provides a soft visual break between the public footpath and the boundary wall that separates the private rear garden of the appeal property from the public domain.
 5. The proposal would result in an increased sense of enclosure beyond the side of the property. The introduction of a new boundary fence would inevitably alter the character and significantly reduce the openness of this area of amenity grassland and planting. Consequently, the amount of fencing and the extent of encroachment into the open space would be visually obtrusive when viewed from both Pennington Close and Tees Farm Road.
 6. I note that the proposed fence would be similar to other local boundary treatments with approval to enclose land that was once visible from the public domain. However, to my mind the new fence would track a more convoluted and angular route across its adjacent open space than these other examples.
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In any event, development at other houses would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.

7. I am aware that the area of open space to the front of the dwelling would remain visible from the public domain, that there have been no objections from local residents and the concrete posts would be highly durable and ensure the extended life cycle of each closeboard panel. However, none these points could justify the harm I have identified above.
8. I recognise that the fence could be screened with hedging, however any such planting would need to be of a height and density that of itself would look unusual or out of place within the context of this pleasant area of amenity land.
9. The appellant contends that the Colden Common Village Design Statement 2012 refers specifically to properties in the village having an open front garden, whereas the proposed new fence is to the side of the house. Even if I were to accept this argument, I am satisfied that there are other policies in the Development Plan that seek to protect the overall character and appearance of residential areas.
10. At my site visit I saw that the existing boundary wall needs to be replaced and this would be a matter of general maintenance. I appreciate that the appellant feels frustrated with the way that the application was determined, however I also note that the Council did at least attempt to negotiate an amended scheme, albeit that this suggestion was rejected.
11. Overall, I conclude that the scheme would result in harm to the character and appearance of the area. It would be in conflict with Policies DM15 and DM16 of the Winchester District Local Plan Part 2 (April 2017) and High Quality Places Supplementary Planning Document (2015), which aim to secure new development of acceptable scale and appearance.

Conclusion

12. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR