



Appeal Decision

Site visit made on 14 June 2022

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/N1730/D/22/3291081

47 Tunworth Close, Fleet, GU51 1DY

- 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 R Cameron against the decision of Hart District Council.
 - The application Ref 21/01365/HOU, dated 28 May 2021, was refused by notice dated 29 October 2021.
 - The development proposed is erection of an attached garage to side, replace door and window to ground floor rear with bi-fold doors and alterations to boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an attached garage to side, replace door and window to ground floor rear with bi-fold doors and alterations to boundary wall, at 47 Tunworth Close, Fleet, GU51 1DY, in accordance with the terms of application, Ref 21/01365/HOU, dated 28 May 2021, subject to the following planning conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P.01 Rev A Location Plan; P.02 Rev A Proposed Site Plan, Block Plan; P.03 Rev A Proposed Car Port, Proposed Ground Floor Layout; P.04 Rev A Proposed Car Port, Existing and Proposed Floor Plans; and P.06 Rev A Proposed Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The approved parking facilities for vehicles, including the garage, shall be retained at all times to allow them to be used for the purpose of parking provision.

Procedural Matter

2. I observed on the site visit that the alterations to the boundary and wall, to enclose a small parcel of land that is within the ownership of the appellant had already been carried out. The Council are of the view that the scheme contains no application for the change of use of the land in question and that this would also be required if permission were to be granted by this decision. The appellant contests that the land is within his ownership and should be considered residential curtilage.
3. Whilst I have limited information before me on this matter, a photo (Figure 2) has been provided by the appellant in their appeal submissions of the boundary wall before the alterations took place. This shows the parcel of land being outside of the garden area and appears to be a small area of general amenity land containing some planting and not residential curtilage. I have determined the appeal on this basis.
4. Nonetheless, having regard to the application plans it can be seen from drawing P.04 Rev A Proposed Car Port, Existing and Proposed Floor Plans that the clear intention of the application is for the parcel of land in question to form part of the residential garden to the host dwelling. I have therefore also determined the appeal on this basis.

Main Issue

5. The main issues of the appeal are the effect of the scheme on the character and appearance of the area and whether the proposal would lead to any highway safety concerns with regard to the use of the visitor parking spaces adjacent to the appeal site.

Reasons

Character and appearance

6. The appeal site accommodates a two storey semi-detached property, located on the north eastern side of Tunworth Close. The appeal property currently has a driveway alongside it, with a further small, gravelled area that borders the adjacent parking court area. The surrounding area is residential, with a mix of architectural styles. The majority of properties in the immediate vicinity are either semi-detached or terraced.
7. The proposed garage would be attached to the appeal property, but set back from its front elevation. Whilst garages are not existing features associated with the properties that immediately surround the appeal site, there are other examples a short distance from the site. Consequently, I am not of the view that the proposed garage would appear incongruous or discordant with the character and appearance of the area. The Council has referred to the proposed garage upsetting the symmetry of the semi-detached properties. However, I observed that a roof conversion has been completed at the appeal property, which has already to a large degree, unbalanced the pair.

8. Turning to the boundary change and associated fencing, as set out above, this has been undertaken. The area of general amenity land that has been incorporated into the rear garden of the appeal property is very modest in size. I consider it made a negligible contribution to the character and appearance of the area. This is particularly the case, given its backdrop was either of parking spaces or of the host property when viewed from the street scene. The loss of openness would not be unacceptable given the open area associated with the parking court area adjacent to it, which itself serves to break up the built development in the area. Whilst the small area of land did contain some planting that helped to break up the urban hard surfacing, I am mindful that given the land is in the appellant's ownership the planting could have been removed in any event.
9. The Council has not raised any issues with regard to the changes to the fenestration of the host property and I see no need to take a different view.
10. Overall, I consider the scheme would not cause any unacceptable harm to the character and appearance of the area. The proposal therefore complies with Saved Policy GEN1 of the Hart Local Plan, 2006 (the LP, 2006) and Policy NBE9 of the Hart Local Plan, 2020 (the LP, 2020).

Highway safety

11. There have been concerns that the visitor parking bays adjacent to the boundary wall have been impacted in terms of manoeuvrability. During the site visit, I parked my car within the closest visitor space to the altered boundary wall and was able to reverse and turn without any significant issues. I am also further mindful that vehicle speeds in and around this area would be low.
12. The proposed garage would replace an existing off-street parking space. It would accord with the internal parking standards for a garage, so would not result in any net loss of parking provision at the property. The garage's use for parking can be secured by a suitably worded planning condition.
13. Given the above, the scheme would not result in any harm to highway safety and accords with Saved Policy GEN1 of the LP, 2006 and Policy NBE9 of the LP, 2020 in this regard.

Other Matters

14. The boundary wall change partly obscures the visitor parking bays. However, I observed that they would still be visible from the street scene and from the housing to the southeast of the parking court area. Consequently, I am not of the view that the scheme would lead to cars parked in those spaces being vulnerable to crime.

Conclusion and Planning Conditions

15. For the reasons given above and having regard to all other matters raised, the scheme complies with the development plan when taken as a whole. The appeal is therefore allowed. As a result, it is necessary to consider whether any planning conditions are required. I have considered those suggested by the Council in their questionnaire and amended them where required, having regard to the Government's Planning Practice Guidance.
16. As well as the normal time limit condition (1) a condition (2) to ensure that development is undertaken in accordance with the proposed plans is necessary to ensure certainty. Condition (3) is required to ensure a suitable appearance of the scheme and condition (4) is necessary in the interests of highway safety.

Jonathan Manning

INSPECTOR