
Appeal Decision

Site visit made on 15 September 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2022.

Appeal Ref: APP/C1760/D/22/3302803

2 Laburnum Close, North Baddesley, Southampton, SO52 9JT

- 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 Michael Ray against the decision of Test Valley Borough Council.
 - The application Ref 22/00773/FULLS, dated 20 March 2022, was refused by notice dated 6 June 2022.
 - The development is the removal of low-level wall and shrubbery and erection of fencing.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since it more accurately and precisely describes the development, the description provided in the Council's decision notice has been utilized in preference to that in the application form.
3. The development subject of the appeal has already been carried out, and the appellant, in effect, wishes to retain it. I shall proceed on this basis.

Main issue

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

Reasons

5. The appeal property stands at the junction of Laburnum Close and Middle Road, in a residential area where bungalows and chalet bungalows are the predominant built form. Its' front elevation fronts Laburnum Close, whilst its' principal side garden fronts Middle Road. The fencing subject of the appeal has effectively sealed the side garden off at the junction.
6. The gardens fronting local roads are generally open, with low walls, hedges or other planting. The Council acknowledges that some local gardens have been fenced off, and I saw some examples during my visit. However, this was the exception rather than the rule, and the locality, by reason of its front and side gardens, still exudes a pleasant aura of openness and greenery largely on account of the planted nature of most gardens open to public view.
7. The street image on Google Earth provides a fairly up-to-date impression of what the garden looked like prior to its enclosure. In comparison, the utilitarian nature of the development with timber fencing supported by concrete posts

stands out as incongruously harsh in its prominent position at a junction. Built immediately at the back of the footway, its' position gives no realistic opportunity for screening or landscaping. To my mind, the structure's erection has considerably devalued the street scene. I do not consider that, if the fence were painted, that it would much improve the situation.

8. I note the appellant's reasons for erecting the fence, including concerns as to security and privacy. To my mind, however, these are issues which could probably have been addressed in a different manner having a far lesser visual impact on the local scene. Although, I did not see within it, I note that what appears to be a small, but secure enclosed area, is available on the other side of the house.
9. The appellant's point as to precedent has been considered. Precedent, in itself, is rarely a sufficient argument to allow a harmful development. By the same token, a successful appeal here could encourage others to seek to fence off their gardens in a similar manner with an even greater cumulative impact on the pleasant character of the area.
10. In conclusion, I find that the development as implemented has harmed the character and appearance of its surroundings. Accordingly, a clear conflict arises with provisions of Policy E1 of the Test Valley Borough Revised Local Plan (2016) in that the development, by virtue of its poor design and appearance, fails to integrate, respect and complement the character of the area in which the development is located.

Other matters

11. All other matters referred to in the representations have been considered, including the fact that there was no neighbour objection and that the Parish Council chose not to comment when consulted. Whilst this attracts some weight it is insufficient to overcome the basis for my conclusions on the merits of the development.
12. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR