
Appeal Decision

Site visit made on 4 January 2023

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/J1725/W/22/3302948

10 Repton Close, Gosport, Hampshire PO12 2RY

- 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 Dianne Mamczur against the decision of Gosport Borough Council.
 - The application Ref 22/00130/FULL, dated 9 March 2022, was refused by notice dated 20 June 2022.
 - The development proposed is change of use of land for garden and parking and construction of fence.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site lies on the north side of Repton Close, a cul-de-sac within an established suburban residential area comprising a series of cul-de-sacs branching off spine roads. There is a strong interconnectivity between roads via linking footpaths. Open grassed and treed highway verges are integral to the character of the locality, featuring along the edges of roads and footpaths. These areas of soft landscaping, combined with the siting of dwellings back behind open or low fenced/walled frontages, mean that the townscape has a pleasant, spacious and verdant prevailing character.
4. The appeal site comprises a semi-detached house at 10 Repton Close, together with its front and rear gardens and an area of land outside the residential curtilage. The latter comprises grassed highway verge to both sides of a public footway. This arrangement of highway verges and footpath continues in a similar manner eastwards alongside 2 Repton Close.
5. The side and rear garden of the appeal property are bounded by close boarded fencing. The proposal would replace this fencing with fencing of a similar height and design. This would be extended and repositioned to enclose part of the existing grass verge, which would be incorporated into the adjacent private garden of No.10.

6. The site lies in a visually prominent location, flanking the vehicular approach into Repton Close, and forming part of a longer section of wide treed grass verges surrounding footpaths which extends from the corner of St Helen's Road into the close, resulting in a green, soft-landscaped roadside edge which comprises an integral open element of this part of the housing estate. This verdant enclave makes a positive contribution to the townscape and visual amenities of the area, by providing a soft landscaped buffer to the built environment, which includes dwellings, garages and shared parking areas. It is highly visible in wider views from the east and west from the public realm, including by vehicle drivers and footpath users, as well as from neighbouring residential properties.
7. As it is currently set well back from the highway behind a deep highway verge, and it aligns with the side boundary enclosure at No.2, the existing fencing alongside No.10 does not have an unduly harmful impact upon the townscape. Moreover, the part of the existing grass verge that is proposed to be enclosed, is of sufficient size to spaciously accommodate the 3 existing trees, and to provide a meaningful soft landscaped buffer between the existing fence and side wall of the dwelling and the public footway.
8. The proposal would result in the expansion of built development into, and the loss of a significant amount of, this existing public amenity grassed area. This would appear as visually intrusive and incongruous, being contrary to the existing open, green roadside character of this part of the townscape.
9. The position of the fencing adjacent to the public footway would harm the openness of the footpath as experienced by its users. Moreover, notwithstanding its similar height and design to the existing fence, the proposed fence would have a discernibly greater visual impact upon views from the public realm than that of the existing fencing. This is due to a combination of its proposed height and solid design, its proposed cramped and visually oppressive position next to the back of the public footpath and the introduction of two side-facing elements, one of which would be positioned on the edge of the adjacent service lane, where it would be visually prominent within the larger area of grass verge in views when approaching Repton Close from the east.
10. The proposed enclosure of the existing verge trees would reduce their contribution to the visual amenities of the wider locality, as a result of their partial screening. This would be at odds with the prevailing characteristic of the estate of open grass verges containing visually prominent groups of trees. As such, by partially enclosing these trees in views from the public realm, the proposal would detrimentally erode a positive feature of the townscape.
11. This harm to the visual amenities of the area would potentially be exacerbated by the appellant's stated intention to remove two of the trees. In the absence of details of the appellant's proposed replanting scheme, I am not persuaded, on the basis of the evidence before me, that such replanting would mitigate the harm to the street scene that I have identified.
12. I have considered whether the fencing could be appropriately screened by the introduction of new planting to the front and sides. However, given the proposed proximity of the fence to the back of the footpath and the service road between Nos. 2 and 10, I am not persuaded, on the basis of the plans and information before me, that there is sufficient space to accommodate soft

landscaped planting that would grow to provide effective screening in this position, and which would survive in perpetuity.

13. My attention has been drawn to an allowed appeal¹ in respect of the enclosure of highway verge land on a different site within the locality of the appeal site. On the basis of the information before me and my site visit, I find that the circumstances in respect of that appeal are significantly different to those of the current appeal. These include the development proposal, which involved a wall with railings above which provided greater intervisibility, the juxtaposition of the proposal in relation to the host and neighbouring properties and adjacent open space and footpaths, and the proportion of open space to be enclosed. As such, that that decision does not provide justification for allowing the current appeal, which I must determine having regard to the merits of the proposal before me and the appeal site circumstances.
14. For the above reasons, I therefore conclude that the appeal scheme would cause significant harm to the character and appearance of the area. As such, it would not accord with Policy LP10 of the *Gosport Borough Local Plan 2011-2029* (2015), which, amongst other things, seeks to ensure that new development is well-designed to protect the character of the Borough's distinctive built environment, including not significantly prejudicing important townscape features.
15. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2021* (the Framework), which seek to achieve well-designed places as set out in Chapter 12.

Other Matters

16. I acknowledge the desire of the appellant to improve the living conditions of the host property in respect of overshadowing and associated light impacts. However, this does not justify or outweigh my conclusions on the main issue.
17. Nor am I persuaded by the appellant's intention to improve on-site biodiversity, as it has not been satisfactorily demonstrated that the incorporation of grassed and treed land into private garden area, including the removal of existing trees and the provision of a parking area, would achieve this objective.
18. I have taken account of the appellant's view that the proposal would prevent illegal parking on the grass verge. However, I saw no obvious evidence of such parking on the appeal site at the time of my site visit. Also, I noted the presence of less visually intrusive low boundary posts on nearby verge land, which would appear sufficient to achieve this purpose. As such, I am not persuaded that the appeal scheme is justified on this basis.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

¹ Ref APP/J1725/A/13/2192553