



Appeal Decision

Site visit made on 12 December 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/W1715/W/22/3296365

4 Roker Way, Fair Oak SO50 7LD

- 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 Miss Kirsty Paice against the decision of Eastleigh Borough Council.
 - The application Ref F/22/92301, dated 20 January 2022, was refused by notice dated 28 March 2022.
 - The development proposed is "Change of use of land to private garden and erection of 1.8m boundary fence".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development as stated on the application form has been amended in subsequent documents. Whilst the Grounds for Appeal suggest that the appellant would be happy to amend the proposal to a change of use only, I have been presented with no substantive evidence showing that this has been agreed with the Council. In addition, I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. I have therefore adopted the description included within the Council's decision notice, which accurately reflects the proposal before me, and I shall consider the appeal on this basis.
3. In April 2022, the Eastleigh Borough Local Plan (2016-2036) was adopted by the Council. It replaces the policies contained within the adopted Eastleigh Borough Local Plan Review (2001-2011). Accordingly, I shall determine the appeal in accordance with the most up-to-date policies, on which the parties were able to submit comments as part of the appeal process.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property occupies a corner plot sited within a residential estate, which is predominantly characterised by dwellings set back from the road, with open front gardens and driveways. The locality includes several grass verges adjacent to some of the corner plots, which contribute to the open and spacious character of the area, thus giving it a pleasant suburban feel. The

appeal site's side boundary facing Goodison Close is delineated by a brick wall, which is set back from the road frontage, behind two mature trees. As well as making a positive contribution to the character and appearance of the area, these trees soften the visual impact of the wall.

6. The appeal proposal seeks to enclose the grass verge adjacent to no 4 Roker Way, which would then become part of this property's private garden. The proposed closed boarded fence would be sited immediately at the back edge of the pavement and, due to its height and length, it would unduly stand out as a harsh and visually intrusive feature within the street scene. In the absence of substantive evidence to the contrary, I cannot be certain that any additional planting would provide an effective form of screening to appropriately soften or mitigate the visual impact of the proposed fence.
7. As a result, the appeal scheme would erode the contribution presently made by the grass verge to its surroundings. This would fail to accord with the aims of the Quality Places Supplementary Planning Document (SPD) - 2011, which stresses that rear garden boundary structures abutting onto public or semi-public spaces should consist of well detailed brick walls, of an appropriate height, rather than timber fences.
8. My attention has been drawn to other examples of similar developments which have occurred in the locality, notably on the opposite corner plot. However, there is limited evidence before me to ascertain whether or not the circumstances of these particular schemes represent a direct parallel to the development which is before me. And, in any event, it seems to me that these structures have a similarly detrimental effect, and therefore do not provide justification for the erection of the proposed fence at the appeal site.
9. Given the above, the appeal scheme would cause harm to the character and appearance of the area, and would therefore conflict with Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and paragraph 130 of the National Planning Policy Framework. These notably seek to ensure that development proposals do not have an unacceptable impact on, and where possible enhance the character and appearance of urban areas.

Conclusion

10. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR