



Appeal Decision

Site visit made on 10 March 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2023

Appeal Ref: APP/D1780/D/22/3312111

3 Ridgemount Avenue, Southampton, SO16 7FG

- 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 I Mabood against the decision of Southampton City Council.
 - The application Ref. 22/01261/FUL, dated 8 September 2022, was refused by notice dated 26 October 2022.
 - The development proposed is erection of a 6 ft fence (retrospective).
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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 surrounding area.

Reasons

3. The appeal site comprises a large detached property within a spacious plot that fronts onto Ridgemount Avenue with its rear garden backing onto Bassett Avenue. Some of the properties that back onto or front onto Bassett Avenue have mature hedging, planting and trees to their boundaries, whereas others have timber fencing. In relation to the appeal site, the proposed 1.8 metre fence is already in place on the eastern boundary of the rear garden fronting onto Bassett Avenue and planning permission is sought retrospectively for its retention.
4. The Council have referred to a number of development plan policies that seek to ensure that new development: respects local character and appearance; retains important landscape features; protect tree lined streets; and contribute towards the greening of the City. As well as these, saved policy NE6 of the City of Southampton Local Plan Review (2015) (LPR) states that development will not be permitted which would adversely affect the landscape character of the northern approach to the City along, in particular, Bassett Avenue. The supporting text, at paragraph 3.17, continues by stating that development will not be permitted where this landscape character would be damaged by the loss of trees, shrubs, hedgerows and grassed areas. The importance of the latter, on Bassett Avenue, is emphasised further in the supporting text, paragraphs 16.1 – 16.5 (inclusive), to policy BAS 9 of the Bassett Neighbourhood Development Plan (July 2016) (NDP).

5. I have not been provided with any images of the rear boundary treatment to Bassett Avenue prior to the erection of the new fencing. However, objections submitted in response to the application indicate that this boundary was previously characterised by mature trees, hedging and planting with a fence to the rear of this landscaping. The Council's Delegated Report also states that this boundary previously comprised a mixture of mature trees and other mid-level planting.
6. Within the above context, the height, length and siting of the proposed fence is, in my view, excessive and visually intrusive. It results in a hard edge to the rear of the appeal site, in a very prominent location on a busy main road. The light wood colouring and concrete posts and base to the new fence accentuate its visual impact. Whilst I appreciate that the fence could be stained a darker colour this would not mitigate for the significant harm that results to the identified landscaped character of Bassett Avenue, which I agree is a positive feature of this important route into the City.
7. The siting and extent of the new fencing, on the back edge of the pavement, leaves no space for any planting to be provided in front of the new fence, on the roadside frontage. Consequently, the effect is a hard edge to the rear boundary, replacing what the evidence before me indicates was apparently a boundary characterised by mature trees and planting. As I observed on site, the proposed fence is also prominent in long distance views and contrasts with the mature trees, planting and hedging that remains a dominant feature and characteristic of Bassett Avenue, which provides an impressive entrance into the City.
8. Whilst I saw examples of fencing on my site visit and the Appellant has drawn attention to these in the photographs included with their Grounds of Appeal, as I have found above the area is not solely characterised by such fencing and along a large part of Bassett Avenue mature trees, hedging and planting predominate. Even so, other than in the case of 181 Bassett Avenue (No.181), no evidence of the planning background to these examples has been provided or whether any of them benefit from planning permission. In relation to No.181, I note that this permission was apparently for a replacement fence. I also note that the Council's Delegated Report states that other existing fences either appear to be historical and thus beyond planning control or are unlawful, as in the case of the fencing opposite on Ridgemount Avenue. Consequently, none of these examples affect my overall findings.
9. Whilst I appreciate that the proposed fence would provide a good level of security and privacy to the rear garden, neither of these considerations nor any other personal circumstances outweigh the significant harm that I have identified. As to the Appellants reference to a fallback position, whereby a reduction in the height of the fence would constitute permitted development, I accept that a fallback option can be a material consideration where there is a more than theoretically possibility of that development taking place. However, I am not convinced that this represents a legitimate option as it would not provide the Appellant with either the security or privacy they require, which I understand was one of the main reasons for the proposed 1.8 metre high fence. Even so, a lower fence would enable what remains of the mature trees and planting behind to predominate more in views from Bassett Avenue and would thus represent an improvement on the proposed fence.

10. For the above reasons, I find that the appeal proposal would result in significant harm to the landscaped character and appearance of the area contrary to saved policies SDP9, SDP12 and NE6 of the LPR, policy CS13 of the Southampton City Council Core Strategy Development Plan Document (2015), policies BAS 4 and BAS 9 of the NDP and the corresponding policies, including paragraph 130 c), of the National Planning Policy Framework (July 2021).

Conclusion

11. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR