



Appeal Decision

Site visit made on 18 April 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/C1760/W/22/3309210

15 Ward Close, Andover SP10 3TB

- 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 Karen Ricketts against the decision of Test Valley Borough Council.
 - The application Ref 22/01187/FULLN, dated 31 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is 'change of use to residential garden'.
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Decision

1. The appeal is allowed and planning permission is granted for 'change of use to residential garden' at 15 Ward Close, Andover SP10 3TB in accordance with the terms of the application, Ref 22/01187/FULLN, dated 31 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and amended block plan.
 - 3) No development shall commence until details of both hard and soft landscape works and a schedule of landscape maintenance for a period of 5 years, have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use. Thereafter, the site shall be maintained in accordance with the approved scheme of maintenance.

Preliminary Matters

2. The application form does not contain a description of the proposal. The description has therefore been taken from both the decision notice and appeal form.
3. The site address indicated on the appeal form differs from that on the application form. The appellant has confirmed that the address on the application form is correct.
4. The appeal form indicates that the appeal was made on the basis that the Council refused permission to vary or remove a condition. The appellant has subsequently confirmed that the appeal is made on the basis that the council refused planning permission for the development, and I proceed on this basis.

Main Issue

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

Reasons

6. The appeal site is located within a built-up and predominantly residential area. It is accessed via a relatively narrow estate road that terminates at the end of Ward Close. The site itself comprises a small area of unenclosed land between number 15 Ward Close (number 15); a roadside pavement; and a public footpath. Within the site, there is a small tree and some shrubbery. During my site visit, I observed litter within the site. On the opposite side of the footpath is a significantly larger unenclosed area which is mainly grassed and within which there is a large tree.
7. A prevailing characteristic of Ward Close is that many of the houses have private driveways and other areas of hardstanding to the front which are surfaced in a range of materials. Several of the driveways are wide enough to accommodate 2 parked cars side by side. Commonly found between the areas of hardstanding are front garden areas. The largely unenclosed driveways and front gardens; the large tree; and the presence of areas of open grassland and shrubbery positively inform the distinctiveness and verdancy of the otherwise built-up area.
8. The proposed development when taken together with the existing narrow driveway serving number 15, would result in an area of hardstanding being formed which would be of similar proportions to others found within, and which are typical of the area.
9. Due to its location both adjacent and close to a number of footpaths and areas of green open space, and, to the rear of the pavement and carriageway within Ward Close, the appeal site is readily visible within the public realm. However, while containing a small tree and shrubbery, the existing site makes only a limited contribution to the distinctiveness of the area. This is in part because of its small size in relation to the much larger area of green open space on the opposite side of the public footpath, as well as because it has been subject to littering.
10. The development would result in a reduction in the area of land which provides a soft buffer between the public footpath and number 15. However, the proposal to plant low-level box hedging along the boundary adjacent to the public footpath would ensure that a soft buffer is still provided. Although the implementation of the development would result in the loss of a small tree and the existing area of shrub growth within the site, the planning and establishment of the proposed box hedging would prevent the distinctiveness and verdancy of the area from being harmfully diminished. The bed within which the hedging would be planted is of a restricted width. Despite this, and subject to the imposition of appropriately worded conditions, requiring; details of hard and soft landscaping proposals; and a subsequent soft landscaping maintenance scheme to be agreed by the Council, I have no reason to doubt that the hedgerow could be established.

11. As a maintained front garden area, I have no reason to doubt that the site is less likely to be subject of littering. The reduction of waste within the site would be beneficial to the character and appearance of the area.
12. My attention has been drawn to a dismissed appeal¹ at 22 Caesar Close. From the evidence before me, I accept that there are similarities between the schemes subject of the 22 Caesar Close appeal and this appeal. However, in this case, it is not proposed to enclose the site or parts of the site with tall fencing, and I have not found that the development proposals would have a discordant enclosing effect on the street scene. As such the two cases are not directly comparable.
13. For the reasons set out above, the proposed development would not harm the character and appearance of the area. Accordingly, and in this respect, it would not conflict with policies COM2, E1, and E2 of the Test Valley Borough Council, Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 – dated 2016. These policies require development within settlement boundaries to integrate, respect, and complement the character of the area, and to prevent development that would lead to harm to the landscape character of the area within which it is located or result in the loss of important local features. They also seek to ensure that proposed landscaping and landscape features enable the development to positively integrate into the landscape character of the area.

Other Matters

14. Although a knee-height rail around the site may serve to deter pedestrians from crossing both the appeal site and the appellant's driveway, that proposal is not before me.
15. The specific circumstances that apply in this case are unlikely to be repeated elsewhere. In any case, given that I have concluded that the proposal would not be harmful to the character and appearance of the area, I see no reason why it would set a precedent for harmful developments on other sites.

Conditions

16. The Council has suggested 3 conditions. The wording of the conditions has been amended where appropriate. This is to meet the six tests outlined within paragraph 56 of the Framework. The statutory condition which specifies the time period for the implementation of the development is imposed. For clarity, a plans condition is also imposed which identifies the plans to which this permission relates.
17. A landscaping condition is also imposed. This is required to be a 'pre-commencement' condition, so as to ensure that details of the proposed landscaping scheme have been provided to and agreed upon by the Council prior to the commencement of the development. This condition is required to protect the character and appearance of the area.

¹ APP/C1760/W/18/3216704

Conclusion

18. For the reasons given above and having regard to the development plan as a whole and any other relevant material considerations, I conclude that this appeal should be allowed and permission be granted.

V Simpson

INSPECTOR