



Appeal Decision

Site visit made on 23 October 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/H1705/W/23/3320277

25 Barlows Road, Tadley, Hampshire RG26 3NA

- 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 Jonathan Davies against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/02024/RET, dated 20 July 2022, was refused by notice dated 2 November 2022.
 - The development proposed is the change of use of open space land to residential garden use and erection of fencing (Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of open space land to residential garden use and erection of fencing (Retrospective), at 25 Barlows Road, Tadley, Hampshire RG26 3NA in accordance with the terms of the application, Ref 22/02024/RET, dated 20 July 2022, and the plans submitted with it.

Preliminary Matters

2. The description of development is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.
3. I observed at my site visit that the fence has been erected on site in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has already taken place.
4. The height of the fence is not stated on any submitted plan, nor within the application form. The Council describe the fence as 1.7m height in its officer report and 1.8m high in its appeal statement, whilst the appellant refers to it as 2m high in the appeal statement. For the avoidance of doubt, I have considered the fence as being 2m in height.

Main Issue

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

Reasons

6. Barlows Road is a lengthy suburban road made up mostly of consistent two storey semi-detached or terraced dwellings, set at various angles to the road resulting in no consistent building line. As such, whilst there are some properties set back from the highway with open frontages, there are many examples of boundary fencing set immediately adjacent to the highway. There

are pockets of open landscaping and trees, which break up the hardstanding and built form and provide a verdant quality to the surroundings.

7. The appeal property sits close to Bishopswood School and a nursery, and next to open space and an electrical substation. The land in question sits to its side/rear and is adjacent to the highway. There was previously a 1m fence around this parcel of land, which the Council have accepted has been in place since at least 2009, enclosing it and visually separating it from the open space to its rear. As such, whilst this does not change its designation and views over the fence was possible, the appeal site has long had the appearance of private garden space which does not contribute in any significant degree to any sense of openness or softening of the built form for a number of years.
8. I observed that there is a tall close board timber fence adjacent to the highway around the school/nursery and electrical substation immediately to the east of the property, in addition to fronting the highway/pavement immediately to the west. In this context the taller timber fencing does not appear incongruous. There remains a gap to the open space immediately to the rear of the property and, in combination with the number of trees in this location, this retains the verdant visual qualities of the surroundings.
9. Given that the appeal site was already fenced off, and given the variety in dwelling positions along Barlows Road, the fencing does not sit forward of any clear building line, nor prominently encroach into visual open space contrary to the established pattern of development. As such, the domestication of the site and its use for children's play equipment for example, would not harm the wider street scene.
10. The established history and existing character and appearance of the site and its context would not necessarily be replicated elsewhere, and therefore this scheme does not in my view set a harmful precedent for development elsewhere in the vicinity.
11. In light of the foregoing, I conclude that the development does not detract from the character and appearance of the surrounding area. There is therefore no conflict with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 (2016) (LP), which, in accordance with the National Planning Policy Framework, require proposals to be sympathetic and positively contribute to the character and visual quality of the area.

Other Matters

12. Whilst not referred to in the single refusal reason (other than reference to LP Policy EM5), the officer report raises issue with the loss of open space and impact on green infrastructure. LP Policy EM5 seeks to protect green infrastructure and public open space.
13. The Policy sets out that '*Green infrastructure is a network of green spaces and other environmental features which provides a multi-functional green space resource. For the purposes of the Local Plan, 'multi-functional' green space can be defined as green space which acts as a focus for the community, contributes to community cohesion and development, landscape conservation, biodiversity conservation, visual amenity and tranquillity, environmental sustainability, active and passive recreation, and the local economy.*'

14. There is no information before me regarding any particular biodiversity qualities to the site. In this instance, given the fenced off nature of the appeal site, which I have found contributes little to the visual amenity of the surroundings, I do not consider that it represents multi-functional green space or green infrastructure as defined above.
15. The policy further sets out that proposals for the redevelopment of public and private open spaces will not be permitted subject to some exceptions. Part e) of this paragraph lists *'A robust assessment clearly demonstrates that the space is surplus to local requirements and will not be needed in the-long term in accordance with the council's local standards.'*
16. I have concluded above that the development does not harm character and appearance of the surroundings and complies with development plan policies in this regard. Given this and the time that the appeal site has been visually separate from the street landscaping, it seems to me that it has clearly been demonstrated that the appeal site is surplus to local requirements and not needed in the long-term. Based on the information before me and what I have observed, I am therefore satisfied that the proposal in accordance with the Council's local standards.
17. I therefore find no conflict with the protection of open space and green infrastructure requirements of LP Policy EM5 and the Supplementary Planning Document Landscape, Biodiversity and Trees (2018).

Conditions

18. Given that the development has been completed, no conditions are necessary.

Conclusion

19. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR