



Appeal Decision

Site visit made on 21 November 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/H1705/W/23/3321751

Land at Swing Swang Lane, Old Basing RG24 7AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Miss Tilly Whishaw of Redrow Homes Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/00176/CONDN, dated 24 January 2022, sought approval of details pursuant to condition numbers 9, 11, & 12 of approval Ref 20/03587/RES, granted on 1 December 2021.
 - In respect of condition 9, the application was refused by notice dated 14 March 2023.
 - The development proposed is Outline application including means of access for residential development of up to 100 dwellings.
 - The details for which the approval is sought are boundary treatments.
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Decision

1. The appeal is allowed and the details submitted pursuant to condition 9 attached to approval Ref 20/03587/RES granted on 1 December 2021, in accordance with the application Ref 22/00176/CONDN dated 24 January 2022 and the plans submitted with it, are approved.

Preliminary Matters

2. Outline and reserved matters applications for residential development of up to 100 dwellings on land at Swing Swang Lane have been conditionally approved by the Council. Condition 9 of the reserved matters approval (condition 9), requires that details of boundary treatments at specified locations within the site, be submitted to and agreed by the Council within 3 months of the commencement of the development.
3. The evidence indicates that the development was started in December 2021, and that the application subject of this appeal was made within 3 months of the commencement of the development. Although the Council did not determine the application within the period specified by the condition, they subsequently determined that the submitted details conflicted with the policies of the development plan and that they were not acceptable. The appellant therefore has the right to challenge the Council's decision via this appeal.
4. As such, and notwithstanding the content of section 5 of the application form, the formal decision in this appeal is made in respect of the details submitted pursuant to condition 9. The main parties have indicated they do not object to the appeal proceeding in this manner.

5. Pertaining to condition 9, I continue on the basis that drawing numbers JSL3531 201 Rev K, and JSL3531 202 Rev J, were the relevant plans upon which the Council's decision was made.

Background and Main Issue

6. This appeal follows the refusal by the Council to approve details required by condition attached to an approval.
7. Consequently, the main issue is the effect of the proposed details on the character and appearance of the area and highway safety, and whether, in these respects, the details would comply with the requirements of condition 9.

Reasons

8. At the time of my site visit, construction works across the appeal site appeared to be fairly advanced, and some of the houses were occupied.
9. The submitted plans contain adequate information to enable the type, form, materials, location, height, and spacing of the proposed boundary treatments, to be understood. The boundary treatments include but are not limited to; black 5-bar metal estate railings; timber knee rails; and timber bollards. The proposed locations of the boundary treatments correlate with that specified within condition 9.
10. The areas of open grassland to the fronts of the houses closest to Basing Road and elsewhere within the appeal site, make a positive contribution to the quality of the area. Due to their siting and spacing, the proposed bollards would serve to reduce the likelihood of vehicles encroaching into the green and verdant space between the houses and Basing Road. Furthermore, being regularly but not closely spaced in relation to each other, not tall, and constructed of timber, the bollards would be a subtle and unobtrusive way of maintaining the quality and value of this space.
11. While the Council has indicated that metal railings would be more appropriate in the locations where timber knee rails are proposed, I must assess the proposal that is before me.
12. In the locations proposed, the low timber knee rails would prevent vehicular access, from within the internal estate roads and courtyards, onto the shared footpath/cycleway to the north of the site. As such they would help to deliver a neighbourhood that functions well in practical and highway safety terms. They would also reduce the likelihood of vehicles being parked on the open area of green space to the front of plots 15-19 and 22-23. Being of a low height, constructed of timber, and repeated throughout the appeal site, such structures would not be prominent within the street scene, nor would they diminish the quality of the development as a whole. Furthermore, I have no reason to conclude that there is a high risk of damage being caused to the knee rails, or that such rails would not be durable. As such, the proposed knee rails would not conflict with key design principle MD14 of the Basingstoke and Dean Design and Sustainability Supplementary Planning Document dated 2018, which amongst other things, seeks to ensure that new boundary treatments should be good quality, durable, and respond positively to the overall design for the site.

13. Although installation details of the boundary treatments have not been provided, there is no requirement for this within condition 9. Nor is there a requirement for details of proposed boundary treatments along the western edge of the site to be agreed by the Council.
14. For the reasons given above, the proposed boundary treatments would not cause harm to the character and appearance of the area or to highway safety, and in these respects, they comply with the requirements of condition 9. Consequently, and in respect of this main issue, the proposals would accord with policies EM1, EM10 and CN9 of the Basingstoke and Deane, Basingstoke and Deane Local Plan (2011 to 2029) dated 2016, and policy OB&L 7 of the Old Basing & Lychpit Neighbourhood Plan 2015-2029 dated 2018. Amongst other things, these policies seek to ensure that development is of a high quality and safe, and that will create a high-quality street scene, which respects the character and positively contributes to the appearance of the area.

Conclusion

15. For the reasons given 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 the details submitted pursuant to condition 9 be approved.

V Simpson

INSPECTOR