The Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2024

Appeal Ref: APP/H1705/D/24/3339846
2 Hides Close, Whitchurch, Hampshire RG28 7HW

- 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 Margaret Fahey against the decision of Basingstoke and Deane Borough Council.
- The application Ref 23/00824/RET, dated 29 March 2023, was refused by notice dated 8 December 2023.
- The development proposed is the 'retrospective application for the removal of a hedge and erection of a 1.9m fence'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above development description is taken from the Council's Decision Notice which is in turn a paraphrase of the Appellant's application form. I agree with the Appellant's subsequent submission that removing the non-native 'dead' hedge is not development and thus this case is solely concerned with assessing the merits of the fence. I also take the point that part of the height referred to above stems from the brick plinth.

3. The work has been completed; this does not alter the way in which I assess the scheme.

Main Issue

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

Reasons

Character and appearance

5. The appeal property is a detached two storey home in a small cul de sac scheme which comes off the busy Winchester Street. It is unusual in that its rear garden runs up to the main road rather than the home fronting this street. Immediately adjoining the property is a former petrol station now car sales area and locally there some commercial premises and in the main a variety of house types which, with their elevational form and frontages generally form a pleasing scene of established character.

6. The site lies within the Whitchurch Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy EM11 of the Basingstoke & Deane Local Plan 2011-2029 (LP) which takes the same approach and includes a range of elaborating criteria.

7. Regrettably this close-board screen fence stands out as an unfortunate anomaly in the otherwise generally pleasing street scene with its verdant character northwards and, for the most part, the otherwise visually subtle low level back edge of highway boundaries. The contrast is both stark and aesthetically intrusive. The fence looks out of place and I would deem it harmful to local character and appearance along this well-used and important road and as part of the town's Conservation Area. Unfortunately, in this context it is not an example of good design.

8. In the circumstances I conclude that the proposal would run contrary to the aims of S72(1) of the Act and conflict with LP Policy EM11. There would not be preservation or enhancement of the Conservation Area. I also conclude that the scheme would conflict with LP Policy EM10 and Policy GD1 of the Whitchurch Neighbourhood Development Plan 2014 to 2029 which, taken together and amongst other matters, seek high quality well-designed development with appropriate aesthetic attributes leading to a reinforcement of the character of the town. I would also deem there to be breaches of the over-arching objectives of the Whitchurch Conservation Area Appraisal Management Plan and with the Heritage Supplementary Planning Document (2019) albeit this guidance cannot be expected to cover every detailed eventuality.

Other matters

9. I sympathise that expense that has been incurred; I understand that the Appellant did not realise that planning permission was required. However, to be fair to all I have to determine matters as I would with a proposal which was not in situ.

10. I appreciate that weathering does tone down appearance and have carefully considered the prospects of staining or painting as possible conditions. I also have noted the ambition for plants to climb from the inside up and over the structure. However, with a fence of this height, so tight to the edge of the boundary (with other ownership and visibility splay implications limiting scope for planting), I simply cannot see a means for me to satisfactorily sanction full-height retention. I recognise the wishes for privacy and protection from crime or trespass and I hope in dialogue with the Council a satisfactory approach can be achieved. As opposed to the most characteristic low walls, hedges, railings or low-level fences I noted the few highlighted examples of screen fencing fronting roads in the Conservation Area. However, I do not know their full planning background, I am not convinced that they contribute positively to the scene, and I have to judge this case on its own merits.

11. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

12. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however there are no public benefits which would outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character or appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR