



Appeal Decision

Site visit made on 31 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/M1710/W/24/3355352

5 Edward Road, Alton, Hampshire, GU34 2HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Aaron Harrington against the decision of East Hampshire District Council.
 - The application Ref is 59504/003.
 - The development proposed is Retention of north boundary fence and extended garden area and provision of boundary landscaping (Resubmission of applications 59504/001 & 59504/002).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Aaron Harrington against East Hampshire District Council. That application is the subject of a different decision.

Preliminary Matters

3. The application form stated that the development for which approval is being sought has started, but not yet been completed. On my site visit, it appeared that the appeal development had been completed replacing a brick wall side curtilage enclosure (previous wall) with a timber fence. The development has also enclosed an area of land formerly outside the residential curtilage of the appeal property, with the effect of extending the domestic curtilage.

Main Issue

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

Reasons

Character and Appearance

5. The appeal site is located within a residential area of Alton, a market town classified as a Level 1 Settlement in Policy CP2 of the East Hampshire District Council Local Plan: Joint Core Strategy (2014) (the JCS), which defines the spatial strategy for development in the area. As a result, Policy CP1 of the JCS applies to development within the Settlement Policy Boundary (SPB) and has a presumption in favour of sustainable development. The appeal site is situated inside the defined SPB of Alton. The principle of development is therefore acceptable, subject to meeting the Policies of the JCS and Alton Neighbourhood Plan (2015) (the ANP).

6. To the west and south-west of the appeal site is an estate of 'between the war' houses, the boundaries of which are predominantly hedges of a variety of heights. The appeal property is part of a development approved in 1976 under planning application 20273/2, which follows a more open plan aesthetic, the external areas to the front and sides of properties being maintained in an open grassed landscape format.
7. On the opposite side of Edward Road, and around Geale's Crescent, are dwellings built after the appeal property, which have a variety of boundary treatments. Numbers 5 to 10 Geale's Crescent, immediately opposite the appeal property, have approximately 1.8m high timber boundary fences, some of which are completely obscured by vegetation, which softens their appearance. Other properties on Geale's Crescent either follow the open plan aesthetic of the development with which the appeal property is associated or have hedges or lower timber fences.
8. The character of the area is therefore that of a spacious, open and green location, particularly so on the appeal site side of Edward Road, where the open frontages and grassed areas around the properties provide public amenity landscape. The timber fencing, where present, has an urbanising effect on an otherwise open and green setting for the residential properties.
9. The appeal property previously had a wall which ran parallel to Edward Road, in line with its gable, enclosing its rear garden and defining its domestic curtilage. To the north of the previous wall, between it and the rear of the public footpath was an area of open grassed land. This format of development was consistent with that approved under application 20273/2, which required via condition 4, a scheme for the landscaping and planting to be agreed with the LPA, and which should subsequently be maintained to the satisfaction of the LPA.
10. The appeal proposal has removed the previous wall and has introduced a 1.8m high close boarded timber fence approximately 300mm from the rear of the footpath. This has resulted in the loss of the grassed amenity landscape, removing the open, green character at this location, and replacing it with a more urban aesthetic to the detriment of the area.
11. The heart of the dispute between the parties in relation to the extension of the domestic curtilage is the definition of the land use of the area of land referred to by the LPA in their delegated report and decision notice as 'public amenity landscaping'.
12. The appellant has submitted evidence which identifies that the area of land under their legal ownership encompasses not only the land within their defined and enclosed rear garden, but also outside this area to the north of the previous wall up to the rear of the public footpath, and to the east of the front elevation of the dwelling up to the public footpath which provides access to other properties on the residential estate.
13. It is clear that whilst this land to the north of the previous wall and east of the appeal property is not within public ownership, and therefore cannot be described as public amenity land, irrespective of the land ownership, the maintenance of this land in an open grassed format, with open boundaries, as was determined in satisfying condition 4 of the original planning application 20273/2, has the effect of providing the residents and the general public navigating through the area with

important visual amenity landscape, which defines the character of this part of the area.

14. Notwithstanding the above, the location of the appeal site within the Alton SPB engages Policy CP1 of the JCS, which reflects the National Planning Policy Framework (the Framework) in a presumption in favour of sustainable development. However, the Framework also requires that development should add to the overall quality of the area, should be visually attractive as a result of effective landscaping, be sympathetic to local character and landscape setting and establish a strong sense of place. The requirements of the Framework are also reflected in Policy CP29 of the JCS and DE2 of the ANP.
15. The siting of the fence in close proximity to the rear of the public footpath, in order to extend the domestic curtilage of the dwelling, leaves insufficient space to provide appropriate mitigating landscaping which would, over time, soften the appearance of the fence, reducing its harm, whilst guarding the long-term integrity of the public footpath, and results in harm to the character and appearance of the area, as a result of the loss of open, green landscape.
16. I therefore find the proposal to be contrary to Policy CP29 of the JCS and Policy DE2 of the ANP, and with paragraph 135 of the Framework which require, among other things, that development seek exemplary standards of design that respect the area's particular characteristics, to ensure that development contributes to local distinctiveness and sense of place and is appropriate and sympathetic to its setting in terms of its scale, spaces around buildings and landscape features.

Conclusion

17. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR