

Appeals Progress Report

1. New Appeals

- 1.1 Four new appeals have been received and 'started' by the Planning Inspectorate since the last Committee meeting.
- 1.2 **The Chestnuts, 34 Church Circle, Farnborough Hants:** Against the refusal of planning permission for: Formation of a dormer window to the front of the garage roof to facilitate a habitable room. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.3 **244 Farnborough Road, Farnborough Hants:** Against the refusal of planning permission for: Erection of a three-storey building comprising flexible use of either A1/A2 use on ground floor with 2 x two-bedroom residential units to the upper floors and associated parking. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.4 **Land Adjacent to 1 Pickford Street, Aldershot Hants:** Against the refusal of planning permission for: Erection of a five-storey building to comprise 14 two-bedroom flats with associated parking for 1 Pickford Street, Enterprise House, 84-86 Victoria Road and the proposed development. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.5 **16 Churchill Avenue, Aldershot, Hants:** Against the refusal of planning permission for: Alterations and extensions to existing dwelling to form 2 three-bedroom semi-detached dwellings and 1 three bedroom detached dwelling house with parking and additional dropped kerb. The decision was made at the Development Management Committee on 14 October 2020 and the Appeal will be considered by way of the written method.

2. Appeal decisions

2.1 162 Fleet Road, Farnborough, Hants

Appeals (A and B) by two separate parties against an enforcement notice issued on the 6th July 2020 requiring removal of a partially open sided outbuilding and reduction in height of a front boundary fence and gates to 1m, and (Appeal C) against refusal of planning permission for 'Retention of a 2m high timber fence with access front gate to front property and covered car port'.

Planning permission Ref 20/00056/FUL to retain the development was refused in a decision notice dated 11 March 2020 for the following reason;

1. *The timber fencing, access gates and open sided outbuilding sited along the front boundary of the property appears stark, bulky and incongruous in the street scene, adversely harming the character of the street scene. Therefore, the development conflicts with Policy DE1 (Design in the Built Environment) of the Rushmoor Local Plan 2014 - 2032 Adopted February 2019, and the Guidance within the Home Improvements and Extensions SPD 2020, and the NPPF.*

The Enforcement notice issued on the 6th July 2020 set out that;

The breaches of planning control as alleged in the notice are, without planning permission, the erection of:

- (a) Front boundary fencing,*
- (b) Gates, and*
- (c) Open sided outbuilding.*

The requirements of the notice are:

- (a) Remove the partially open sided outbuilding.*
- (b) Reduce the height of the front fence and gate to 1m.*

The period for compliance with the requirements is three months.

Appeals A & B against the enforcement notice

The appeals proceeded on ground (f), that the steps set out in the notice exceed what is necessary to remedy the breach of planning control.

The Inspector found that the steps required by the enforcement notice to remedy the breach of planning control are not excessive, and determined that the appeal on ground (f) failed. The enforcement notice was upheld and compliance is required by 6th May 2021.

DECISION : Appeals A & B Dismissed

Appeal C against Refusal of Planning Permission to retain the development

The Inspector considered that the fence is in stark contrast to its street scene context, and its height, length and solid appearance combine to present a harsh and incongruous boundary treatment that is unduly dominant and harmful to the verdant character of the street scene.

The car port/open sided outbuilding utilises part of the front and side of the fencing and has a flat roof of approximately the same height. The Inspector recognised that it is only the roof which is visible from outside of the site, but determined that the siting appears incongruous given the lack of any significant structures forward of the dwellings in the street. The harm is compounded by its somewhat crude and rudimentary appearance.

The Inspector considered the applicants' suggestions for mitigation. However, due to the combined size, design and extent of the fence and gates, it was considered that the harm would not be satisfactorily overcome by painting the fence, growing creepers, or moving the fence and/or gate back. Removal of the car port/open sided outbuilding was considered likely to remove that particular harm, but that arising from the fence and

gates would remain.

The Inspector concluded that the front fence and gates, and open sided outbuilding/car port significantly detract from the character and appearance of the appeal property and street scene, contrary to Policy DE1 of the Rushmoor Local Plan 2014-2032. This was also found to conflict with the guidance contained within the Rushmoor Local Plan, Home Improvements and Extensions Supplementary Planning Document.

DECISION : Appeal C Dismissed

3. Recommendation

3.1 It is recommended that the report be **NOTED**.

Tim Mills
Head of Economy, Planning and Strategic Housing