



The Planning
Inspectorate

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Miss Karen Wooden
Havant Borough Council
Business Development & Support
Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref: APP/10/00943
Our Ref: APP/X1735/A/11/2153070/NWF
Date: 5 August 2011

Dear Miss Wooden

**Town and Country Planning Act 1990
Appeal by Mr William John Jenkins
Site at 5 Dogwood Dell, Waterlooville, PO7 8DB**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Kevin Plummer

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HAVANT BOROUGH
COUNCIL

08 AUG 2011

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Appeal Decision

Site visit made on 2 August 2011

by Roger Clews BA MSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 August 2011

Appeal Ref: APP/X1735/A/11/2153070

5 Dogwood Dell, Waterlooville, Hants PO7 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant planning permission.
- The appeal is made by Mr William John Jenkins against the decision of Havant Borough Council.
- The application Ref APP/10/00943, dated 26 August 2010, was refused by notice dated 18 February 2011.
- The development proposed is the change of use of amenity land to private garden and the erection of a fence fronting Dogwood Dell.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of amenity land to private garden and the erection of a fence fronting Dogwood Dell at 5 Dogwood Dell, Waterlooville, Hants PO7 8DB in accordance with the terms of the application, Ref APP/10/00943, dated 26 August 2010.

Procedural matters

2. The description of the proposed development set out above is taken from the Council's decision notice. It is used in this decision in preference to the description given on the application form, as it is more complete and accurate.
3. As the proposed development had already taken place, the application was dealt with retrospectively, under section 73A of the 1990 Act.

Main Issue

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

Reasons

5. 5 Dogwood Dell is one of a terrace of five houses on an estate built in a Radburn-style layout, with the front doors facing onto pedestrian paths and vehicular streets provided at the back. As result, although the new fence faces onto Dogwood Dell, it is actually at the back of the house.
6. The fence encloses a small trapezoidal piece of land which is currently owned by the Council and was previously an open, planted area, similar in size to that at the back of No 6 next door. I am told that the Council are prepared to sell it to Mr Jenkins. Having enclosed the land with a fence, Mr Jenkins has

incorporated it into his back garden, laying down decking and installing a small pond.

7. Dogwood Dell, Mole Hill and the other culs-de-sac which run off the latter form a largely self-contained residential estate with generous common areas of grass, shrubs and trees between and around the groups of houses. In this context the loss of the small open area at the back of Mr Jenkins's house has no significant impact on the balance between enclosed areas and open, planted areas.
8. Apart from the open area at the back of No 6, the backs of the other houses in the terrace are all enclosed by walls up to the back edge of the pavement. Being of a similar height to the walls, the fence does not appear incongruous or unduly harsh in this context. Dark-stained wooden fences are a common feature on the estate.
9. For these reasons I find that the enclosure of this piece of land and the erection of the fence have no harmful effect on the character and appearance of the surrounding area. Hence there is no conflict with policy CS16 of the Havant Borough LDF Core Strategy. That policy has replaced policy D1 of the former Havant Borough Local Plan and seeks to ensure, among other things, that all development is designed to a high standard, and responds to and respects its local context.
10. The Council suggested a condition requiring the fence to be stained in a darker colour, but from the photographs submitted and what I saw on site it appears that Mr Jenkins may already have done this, after the planning application was determined. In any event, the current colour of the fence does not appear out of keeping with that of the walls to either side. The condition is therefore unnecessary.

Roger Clews

Inspector