

Appeal Decision

Site visit made on 22 November 2016

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/B1740/D/16/3160873

52 Doe Copse Way, New Milton, Hampshire, BH25 5GN.

- 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 Miriam McNair against the decision of New Forest District Council.
 - The application Ref 16/10767, dated 25 May 2016, was refused by notice dated 11 August 2016.
 - The development proposed is described as: Last year the hedge was attacked by Viburnum Beetle. I sprayed but it died and was an eyesore. I did not wish to leave the garden totally exposed to cold north winds so decided to put up a picket fence and plant an informal flowering hedge beside it. One neighbour commented they now have better vision driving out of the cul-de-sac.
I was unaware I had broken planning rules and apologise for this.
I now ask that you allow the fence to remain for these reasons:
 - 1) It is in keeping with the location as there is a picket fence round the play area opposite;
 - 2) It affords some wind protection to the newly planted flowering hedge and existing plants;
 - 3) Its is a bespoke fence of good quality;
 - 4) It does not adjoin or impact on any other property.
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Preliminary matter

1. The above description for the proposed development was originally set out on the planning application form. It is unnecessarily descriptive and is not repeated on the Council's decision notice or on the Appeal form. Accordingly, in the interests of precision I propose to use the wording given on the Appeal form which is, "Picket fence made of tanalised timber in natural brown colour."

Decision

2. The appeal is allowed and planning permission is granted for a Picket fence made of tantalised timber in natural brown colour at 52 Doe Copse Way, New Milton, Hampshire, BH25 5GN in accordance with the terms of the application, Ref 16/10767, dated 25 May 2016.

Main Issue

3. The main issue is the effect of the proposed fence on the character, appearance and local distinctiveness of the area.
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Reasons

4. The Appeal site is located within a residential area where boundaries fronting the highway are predominantly delineated by hedges. However, there are also boundary walls and fences throughout the estate of various heights and designs. At the same time it is noted that there are no planning conditions in place which seek to prevent or control the erection of fences within the estate. As such a slightly lower and potentially solid one metre high fence could be erected along the front and side boundaries of the Appeal property.
5. The proposed fence, which has already been erected, has a scalloped and open design which provides glimpses of the soft planting in the existing front garden. Where it fronts onto the cul-de-sac to the east, the fence is set back behind a small grass verge and soft planting. In addition, the proposed fence picks up on the picket style fencing around the children's play area to the north and the scalloped fence designs found elsewhere on the estate.
6. As a consequence, although the fence exceeds one metre in height, its informal shape and open, lightweight nature respects the informal and verdant character, appearance and identity of the estate. It therefore accords with policy CS2 of the New Forest (Outside the National Park) Core Strategy 2009 (Core Strategy), which seeks to ensure that new development respects the character, identity and context of their surroundings.
7. With regard to precedent, the proposal respects the prevailing character and appearance of the area and complies with policy CS2 of the Core Strategy. As such it would not set a precedent for the erection of any fences in the locality which would fail to respect the character and appearance of the locality or which would otherwise fail to comply with the prevailing planning policies.
8. Finally, the Council has suggested the imposition of a condition which requires the proposed fence to be constructed in accordance with the submitted drawings. As the fence has already been erected I consider that no conditions are necessary.
9. I conclude that the proposed fence respects the character, appearance and local distinctiveness of the area and complies with policy CS2 of the Core Strategy.

Elizabeth Lawrence

INSPECTOR