

Appeal Decision

Site visit made on 18 October 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/E1210/W/16/3153830

Watermans Park, Dorset Road, Christchurch, Dorset BH23 3DB

- 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 Jason Perry against the decision of Christchurch Borough Council.
 - The application Ref 8/15/0457, dated 15 October 2015, was refused by notice dated 14 January 2016.
 - The development proposed is renewal of existing planning permission for a further 5 years of storage container 2430 x 6000 x 2600mm.
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Decision

1. The appeal is dismissed.

Background

2. The container for which permission is sought is currently on site. It was granted temporary permission for a period of 5 years on 29 July 2009. A condition on the permission required the removal of the container and incidental equipment and the restoration of the site at the end of that temporary period. As the permission has expired the appellant is in effect seeking a new permission.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Main issue

4. The container to which the application relates is located on a Council owned park. It is located far enough from Dorset Road as not to be greatly visible from it. Views are obtained of the container from the Christchurch By-Pass, but its visual impact from this point is greatly minimised by the considerable distance from which it is seen and a backdrop of trees.
5. However, the container is clearly seen from many areas in the park, including from a footpath running parallel to a park boundary and a skateboard park and play area. From these viewpoints it looks most unsightly, for it is in poor condition with fairly extensive graffiti over it. As such it detracts from the

character and appearance of an otherwise attractive park and open area. A condition on the temporary permission required a mural to be erected on the container and maintained in a clean and tidy state. The Council says that the mural was required to be on the side of the container but that it has been removed. It seems that this was due to it being vandalized. The Council says that the appellant has indicated that he does not intend to replace the mural, and this has not been denied. There does appear to be a mural on one end of the container. However, as it is covered in graffiti it looks most untidy. The appellant has said that the container is in good condition and simply needs re-painting. However, no indication has been given that this would be done and that the paintwork would thereafter be well maintained.

6. Given the above it is concluded that the proposed development would detract from the character and appearance of the surrounding area. As such it would be contrary to the National Planning Policy Framework which requires new development to be visually attractive and to add to the overall quality of the area.

Other matters

7. Much has been said by the appellant, the Council and third parties on the extent to which the container has been used for storage by community organizations and whether, as such, it serves a useful community purpose. I have insufficient information from what I have read and seen to come to a view on this. However, even if it had the community benefits alleged that would not outweigh the harm found above.
8. Nothing that I saw supported local claims on the development giving rise to anti-social behaviour beyond vandalism of the container and the painting of graffiti on it. Nor did I see evidence that it was in a condition that would be dangerous to children. However, lack of harm in these respects does not make the proposal acceptable given the harm on the main issue.

Conclusion

9. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR