

Appeal Decision

Site visit made on 16 March 2017

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/B1740/D/17/3167685

3 Wavendon Avenue, Barton-on-Sea BH25 7LP

- 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 Mr & Mrs Taylor against the decision of New Forest District Council.
 - The application Ref 16/11430 was refused by notice dated 21 December 2016.
 - The development proposed is a 'conservatory and boundary fence.'
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory and boundary fence at 3 Wavendon Avenue, Barton-on-Sea BH25 7LP, in accordance with the terms of the application, Ref 16/11430 dated 17 October 2016, and the plans submitted with it, subject to the following condition :
 - 1) The hedge planting shown on the plan AT PL 01 shall be fully carried out within the first planting season following this decision and permanently maintained and retained thereafter in accordance with that plan.

Procedural Matter

2. The conservatory and fence have already been erected and I have dealt with the appeal on this basis.

Main issue

3. The main issue in this case is the effect on the character and appearance of the area.

Reasons

4. The appeal relates to a detached bungalow in an area of similar properties. The conservatory has a simple rectangular form with a low roof projecting just above the eaves line of the main property. The boundary is formed of 1.3 metre high close boarded fencing.
 5. The Council raise no objections to the boundary fencing and due to its height, form and materials, which are not uncommon in the wider area, I have no reason to disagree with this assessment.
 6. The conservatory adjoins a relatively open grassed area behind the recently erected low boundary fence with new laurel planting alongside. It is clearly visible from the public realm, due to the position of the property at a road
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junction. However, the conservatory is a lightweight structure with a low roof profile which does not compete with the main building. To my mind, it does not form an overly dominant or unduly prominent feature within the garden of the property or represent a feature which is significantly out of keeping within the immediate area, particularly having regard to the various changes that have taken place to other properties nearby.

7. In this respect I noted a relatively similar conservatory at the adjoining property no 5 Wavendon Avenue and other conservatories were visible in the immediate area from the highway outside the site. I have also had regard to the other examples of conservatory extensions cited by the appellants.
8. The property falls within Character Area 9 : Barton Gardens, within the New Milton Local Distinctiveness Supplementary Planning Document 2010 (SPD). While the conservatory projects forward of the general building line in this part of the road, the development maintains a margin to the garden boundary together with new low boundary fencing and associated planting, which generally accord with the requirements of the SPD.
9. The SPD recognises the protection of privacy of gardens open to view from the street is a particular issue for corner plots. The appellants indicate the newly planted laurel bushes on the boundary are located 'at 0.8 m centres' and that it is their intention to allow these to grow to provide some enclosure to their side garden area. This, in turn, it is identified would screen or limit views of the conservatory. Over time, I agree this landscaping, if retained, would further reduce any existing visual impact of the conservatory.
10. In the particular circumstances of this case, I find no material conflict with the design and character requirements as set out in the Framework¹, Policy CS2 of the Core Strategy² or SPD.

Conditions

11. The Council have put forward 2 conditions should the appeal succeed. One refers to the conservatory and fence being constructed in accordance with the submitted plans. As the conservatory and fence are already in place, I consider this unnecessary. The other refers to the retention and maintenance of planting. In the circumstances of this case, a condition of this nature, altered for clarity, would be reasonable and enable future additional boundary screening to occur.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Ray Wright

INSPECTOR

¹ the National Planning Policy Framework.

² The New Forest District Council Core Strategy – 'New Forest District outside the National Park' 2009.