The Planning Inspectorate

# Appeal Decision

Site visit made on 4 June 2019

**by Mr C J Tivey BSc (Hons) BPl MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11th June 2019**

**Appeal Ref: APP/Q1255/D/19/3226306**
**1 Huntingdon Drive, Merley, Wimborne, Dorset BH21 1TD**

- 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 Elizabeth Hodge against the decision of the Borough of Poole Council, now Bournemouth, Christchurch and Poole Council.
- The application Ref. APP/18/01562/F, dated 22 November 2018, was refused by notice dated 16 January 2019.
- The development proposed is for removal of all conifers and hedging of western boundary line, adjacent to road. Replace with 32 metres of close board fencing with returns at either end. Fence will be 6 foot high with 4 x 4 posts. A 6 inch gravel board will be used with three rows of cant rails attached to the posts, to which the feathers will be fixed. Fence will be finished with trench capping. Fence will follow external line of existing hedge.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

## Reasons

3. The site is located at a junction within Huntingdon Drive, which generally comprises detached bungalows within a low density and spacious layout. There is a high level of soft landscaping within the locality, with open gardens giving the area a pleasant, verdant character.

4. The existing side garden of 1 Huntingdon Drive is bounded by conifer hedging of poor quality and currently adds very little to the character and appearance of the area.I also note that the Council raise no objections to the removal of the hedge with their reasons for refusal centred upon the impact of the proposed fence upon the visual amenities of the area.

5. However, to erect a fence hard up against the back hedge of the public footway, with no scope for soft landscaping in between, would create a hard urban edge which would be prominent and incongruous within the immediate street scene that the site finds itself situated within. Fences may be visible within close proximity of the appeal site, but generally soft landscaping is located in front of them which tends to reduce their visual impact.

6. I understand that the roots of the existing hedge erodes the outdoor side amenity space which serves the appeal dwelling, and a fence would provide a more usable area for the appellant's family, however ultimately this is a case of form following function. Notwithstanding the fact that the front lawn of no 1 would continue to provide an open feel to the area, the direct replacement of the hedge with a fence would be of a materially different appearance than the existing situation.

7. I note the other fence examples cited by the appellant and, whilst it is not for me to comment on the appropriateness of these, or otherwise, I consider that the two fences abutting the pavement at Countess Close provide no respite from the appearance of what amounts to a hard boundary treatment. Each case must however be assessed on its own merits. The issue concerning the title deeds of the property is noted, however, this is a civil matter and therefore is not a determining factor in this appeal.

8. In theory the existing hedge could grow to a height above that of the proposed fence, although quite clearly it has been trimmed back in recent times and, whilst it forms a sense of enclosure, it's relatively green state contributes to the aforementioned verdant character of the Drive. I have been given no reason to doubt that the fence would not in itself be well designed, although it is its location which is critical in this case.

9. I accept that a fence would protect the amenity of the occupants of the appeal property and surrounding dwellings, although, the hedge does a relatively good job of this at present. Bearing in mind that the windows of habitable rooms serving properties on the western side of Huntingdon Drive are already visible from the Public Highway, I consider that the scheme would not give rise to a material increase in overlooking to the occupants of those properties.

10. I fully accept that the fence would provide a far more robust means of containing the appellant's toddler than the current hedge, although ultimately some form of fencing whether it be chain-link or otherwise, could have been erected inside it.

11. This and the other factors in favour of the scheme do not outweigh the harm that the fence in the location proposed would have upon the character and appearance of the area. In coming to this view, I have also had regard to the decision of my colleague in the determination of appeal Ref. APP/B1225/C/14/2214434) and the personal circumstances of the appellant with regard to her disability, for which I have the utmost sympathy.

12. Notwithstanding this, I conclude that the proposed fence, by virtue of its position immediately abutting the footway would be unduly prominent and would have an incongruous appearance which would not only materially harm the established open character of the street scene, but would also conflict with the area's verdant character. I find that the proposal is contrary to Policy PP27 of the Poole Local Plan (November 2018) which requires a good standard of design in all new developments and only permits development provided that it reflects or enhances local patterns of development and neighbouring buildings in terms of, amongst other things, layout and siting, landscaping and visual impact.

**Conclusion**

13. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey* INSPECTOR