
Appeal Decision

Site visit made on 9 September 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/V1260/D/19/3232704

16 Latimer Road, Bournemouth, Dorset BH9 1JY

- 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 David Fritton against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-27416, dated 5 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is enclosure (timber) car enclosure for classic car.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019 Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become Bournemouth Christchurch and Poole Council. The development plans for the merged local planning authority remain in place for the former area of Bournemouth Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Bournemouth Borough Council.
3. The structure has been substantially built but was not complete at the time of my site visit. The Council is of the view that the hurdle fence did not form part of the application, however I note that it is included on Drawing No J.72.2017.01. The appellant would like it to be considered as part of the appeal. As it is shown on the submitted drawing, which was before the Council when it considered the proposal, and is referred to in its decision, I am satisfied that no party would be prejudiced if I take the hurdle fence into account in my determination of the appeal.
4. The appellant has suggested that the enclosure could be reduced in height by 300mm. However, this amendment is not shown on an amended plan that was accepted by the Council and has therefore not been consulted on. The Procedural Guide – Planning Appeals – England advises that an appeal should not be used to evolve a scheme, and that if an appellant is of the view that amending their proposal will overcome the Council's reasons for refusal they should normally make a fresh application¹. I have therefore not taken the reduction in height into account, and have determined the appeal on the basis of the proposal as submitted to the Council.

¹ Annexe M.1.1 and M.2.1

Main Issues

5. The effect of the proposal on:
 - a) the character and appearance of the area, and
 - b) highway safety, with regard to the safety of users of the footway.

Reasons

Character and appearance

6. The appeal site is in an area of mature residential development. Dwellings in are set back a modest distance from the road, in a consistent manner. In some cases, as is the case with the existing dwelling, the set back is sufficient to allow off-road parking to the front.
7. Many of these frontage areas are given over to parking. Others are enclosed with boundary features of various materials at differing heights. However, at my visit to the area I could see no instances of detached outbuildings set in a position forward of the existing dwelling. Where outbuildings are visible they are generally to the side of dwellings, as is the case with the existing dwelling which has a garage attached to the side.
8. Although the enclosure subject of the appeal is of a similar height to the existing garage, it stands in a much more prominent position to the front of the existing dwelling. It is partly obscured by the hurdle fence, but easily viewed through the site access and over the height of the fence. Its lightweight materials give it the appearance of a large garden shed, more suited to a secondary position to the side or rear of a dwelling. In its forward position, taking to account the well established building line delineated by the existing dwelling and adjacent dwellings, it appears incongruous. Furthermore, the space that is left between the front elevation of the existing dwelling and the rear of the enclosure is limited, which gives a cramped appearance. The broad front elevation of the existing dwelling is well proportioned and contributes to the character and appearance of the area, however the enclosure and adjacent fence significantly obscures this view. Applying a dark stain would not lessen its impact.
9. The appellant has referred to other alterations that have been carried out to the fronts of dwellings in the area. I reviewed these at my site visit and found that they were largely single storey modest additions, which related to the principle elevation of the host dwelling and had little impact on the building line. In contrast, the enclosure subject of this appeal is entirely detached, constructed of different materials and positioned in a manner that does not relate well to the existing dwelling or other dwellings in the area.
10. In summary, the enclosure has a harmful effect on the character and appearance of the area, contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy adopted 2012 (LP), which seeks to ensure that all development is well designed and of a high quality.
11. The Council refers to its design guide, Residential Extensions, a Design Guide for Householders, in its reason for refusal. I am however of the view that the enclosure does not clearly accord with any of development types referred to in this document, and as such it has not been determinative.

Highway safety

12. The enclosure stands immediately to the side of the existing access, against the boundary. Visibility for drivers emerging from the access in a westerly direction is severely restricted owing to the height of the enclosure. Similarly, users of the footpath heading east would have very little warning of vehicles emerging from the access. At my site visit I saw that the footpath is well used, and I note that the site is well related to local services and facilities. As a result, the presence of the enclosure creates an unacceptable conflict between vehicles exiting the site and users of the footway. At my visit to the area I saw other examples of structures that restrict visibility for drivers emerging over the footway onto the highway, however these were isolated and most were of a lower height than the enclosure subject of the appeal.
13. The appellant advises that he always reverses his cars onto the plot so that he can drive out in a forward gear. Whilst I do not dispute that this may be the case, this would be a difficult matter to enforce, and in any case visibility for drivers emerging from the access in a forward gear still creates an unacceptable conflict with users of the footway.
14. I accept that visibility for drivers exiting the site could be improved by the use of a mirror, as proposed by the appellant. However, such a fitting, especially if mounted at a low level adjacent to the footway, could be easily broken or dislodged. As such I do not consider that a mirror could be relied upon to sufficiently mitigate the lack of visibility.
15. In summary, the enclosure has a harmful effect on highway safety, with regard to the safety of users of the footway, contrary to Policy CS18 of the LP and Paragraphs 108, 109 and 110 of the National Planning Policy Framework, which together seek to ensure that development proposals will not compromise an existing walking network, that safe and suitable access can be achieved for all users to minimise conflict between highway users, and that development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

16. The appellant points out that the rear garden of the appeal site is small and that there is no opportunity for the enclosure to go elsewhere. He also refers to his passion for classic cars, which improves his quality of life, and that no objections to the proposal have been received from local residents. Such matters are not sufficient to outweigh the level of harm identified.

Conclusion

17. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR