



Appeal Decision

Site visit made on 16 June 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/V1260/W/20/3245174

2 Chessel Avenue, Bournemouth, Dorset BH5 1LH

- 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 Dibdin against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2019-20511-B, dated 14 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as "build a fence in front of 2 Chessel Ave BH5 1LH".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development used in the heading above from the application form. The evidence indicates, and I saw at my site visit, that the fence has been erected and I will consider the proposal accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. This part of Chessel Avenue consists of mainly individually designed detached residential properties set back in their plots within gardens. The properties have a variety of front boundary treatments, often including reasonably low boundary walls in brick, stone or render with sometimes a hedge, fence or trellis above. The typical mix of front boundaries treatments often with other planting is generally a sympathetic element to the appearance of the frontages and also in many cases allows some views over or through to the building behind.
5. There is also a wide landscaped verge on the same side of the road as 2 Chessel Avenue and this is interspersed by mature trees. The combination of all these factors provides a pleasant and leafy suburban character to the road.
6. 2 Chessel Avenue is broadly typical of the individually designed buildings within the road and with the double height bay windows and clay tile roof makes a positive visual contribution. Previously a reasonably low wall with fence above was positioned along the frontage. This finish and the overall height was not

untypical of the broad mix of front boundary treatments in Chessel Avenue in terms of the general height and appearance and did not draw the attention of the eye.

7. The replacement front boundary treatment now consists of what appears to be textured blocks with vertical timber boarding above, supported by concrete posts. The evidence indicates that this replacement boundary treatment is higher than the previous structure.
8. The new boundary fronts the footway and from the carriageway of the road it is seen across the landscaped verge and is partially screened by trees. There are spaces either side of the boundary fence where there are reasonably low gates which allows some views into the site. Nevertheless, the replacement boundary treatment extends across much of the frontage. When standing on the footway immediately by the fence it is of a height that prevents most people from seeing into the frontage area and it obscures the building itself. From this location the boundary treatment is quite a stark feature and with the concrete posts and height appears at odds with the generally more subtle and sympathetic appearance of most other front boundary treatments.
9. From wider views, despite the planting within the verge providing a partial screen and softening effect, the overall height is still apparent as a feature that contrasts with the other generally lower heights of front boundary treatments and this makes it a conspicuous and discordant addition to this part of the street scene.
10. The timber boarding may mellow with time or could be stained and the block work painted. However, the impact of the combination of the concrete posts and the height could not be satisfactorily ameliorated by changes, on-going management or the requirements of a planning condition. Any planting behind the fence would have little effect because the height and form of the front boundary treatment would still appear harmful immediately adjoining the footway.
11. The front boundary treatment does not, therefore, meet with the broad approach set out in the Residential Extensions: A Design Guide for Householders (2008) (the Design Guide). This explains that the front boundary of the property can be as important to the character of the street as the building itself and that inappropriate detailing can have a significant negative impact on the rest of the property.
12. The scheme would diminish the character of this part of the street scene and therefore not accord with the National Planning Policy Framework (the Framework) requirement that development should add to the overall quality of the area and maintain a strong sense of place.
13. The building is subdivided into two flats and the front garden onto Chessel Avenue is the outdoor amenity space to the ground floor accommodation. It is understandable that the occupiers would wish to have some private outdoor amenity area and prevent views into their property. Furthermore, the anti-social behaviour that takes place within the adjoining community garden has been highlighted and it is explained that the fence also helps protect the property from crime which has been recorded in the area. However, the low gates to the side of the fence would not entirely prevent access and they also allow some views to the frontage area. I have not been presented with detailed

reasons why a lower front boundary treatment in combination with an extensive planting scheme could not function as a satisfactory barrier, but in a way that was sympathetic to the character of the area. Consequently, I attach the benefits of the front boundary treatment limited weight in the overall analysis and they do not outweigh the harm I have found.

14. Taking all the above matters into account, I conclude that the development harms the character and appearance of the area. It therefore conflicts with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) (the Core Strategy), the provisions of the Design Guide and the Framework which seek, notably, that development which by virtue of its design would be detrimental to the built environment, amenity or character of any part of the Borough will not be permitted.

Other Matters

15. I have taken into account that a neighbour has written to support the proposal and there are no local objections to the front boundary treatment. I also note that the fence onto 1 Browning Avenue which serves the other accommodation at this site has also been recently permitted by the Council. This is quite an extensive run of fence although it fronts a different road and its appearance is different because it does not include the concrete fence posts.
16. The Council has highlighted an appeal regarding a fence at another location that was dismissed by the Inspector and the appellant has drawn my attention to a number of fences and other boundary treatments that are said to help support the case that the present proposal is not out of character with other boundary treatments in the area. The appeal decision concerning the fence at 2 Wollstonecraft Road¹ has been highlighted. Unlike the present appeal site, that case was within a Conservation Area and I viewed the fence at my site visit.
17. I have taken all these boundary treatments into account as to their effect on the wider character and appearance of the area. However, it seems to me that they all have their own individual design, relationship to the surrounding properties and the adjoining part of the street scene such that the circumstances and effect on the character and appearance of the area is different in each case.
18. With 2 Wollstonecraft Road, to my mind the circumstances differ from the present situation. That Inspector found that the height or style of the fence was not at odds with typical front boundary treatments in the vicinity of the site that formed part of the established character of the area. This differs from the present case, where I have found that the front boundary treatment does differ from the typical boundary treatments in this section of Chessel Avenue and this causes visual harm. As a consequence, I attribute limited weight to all these other sites that have been drawn to my attention.

Conclusion

19. For the reasons explained above, the proposal harms the character and appearance of the area and this conflicts with Policy CS41 of the Core Strategy. There are no material considerations that indicate the proposal should be

¹ APP/G1250/D/16/3157134

determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR