



Appeal Decision

Site visit made on 22 January 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/B1740/D/20/3261234

11 Derwent Road, New Milton BH25 5HY

- 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 Piers Bollard against the decision of New Forest District Council.
 - The application Ref 20/10661, dated 25 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described as 'Demolition of a portion of existing garden wall and erection of a new fence to define and protect land in private ownership, improve security to ground floor side window and increase the size of private garden'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is in an established residential area where largely open plan front gardens, wide grassed verges around junctions, trees and hedges create a spacious, green character. The appeal site, adjacent areas of grass and front gardens form an almost square open space enclosed by the side of the existing garden of No 11 and the dwellings of Grasmere Gardens. These open areas and the trees within them give the cul-de-sac a spacious, verdant character. As such, they are characteristic of the green spaces around buildings and the subtle spaces created by the set back of properties which the New Milton Local Distinctiveness Supplementary Planning Document (SPD) identifies as important to local character.
4. The siting of the proposed fence would respect the existing set back from Derwent Road and as such would retain the open plan frontage of the appeal site. However, by enclosing the majority of the open, grassed area between No 11 and the footway, it would significantly reduce the spacious character of the junction with Grasmere Gardens. As the enclosed area would get wider towards the rear of No 11, the proposal would also significantly alter the shape of the open space around the cul-de-sac. Due to its height, the fence would also partially obscure views through to the houses behind. Consequently, although a relatively small area of verge would remain between the footway and the carriageway, the proposal would detract from the open, spacious character of Grasmere Gardens and the character and appearance of the area.

5. Throughout this area the boundaries between gardens and grassed areas, verges and the highway are predominantly brick walls, with few fences visible from the road. This creates a high-quality edge to the public realm. As a result, although the feather-edged timber fence proposed would have a natural appearance, it would be incongruous in this context. Furthermore, due to the extent and height of fencing proposed and the degree of visibility from the public realm, the proposed fence would be an intrusive feature at this junction. Therefore, the choice of material would further detract from the character and appearance of the area.
6. The appellant suggests that planting could be provided around the side and rear of the proposed fence, however the area available for planting would be of limited depth and there is no landscaping scheme before me. It has not therefore been demonstrated that this would be effective in softening the appearance of the proposed fence.
7. Accordingly, the proposal would harm the character and appearance of the area, and would therefore conflict with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy, which requires high quality design that enhances the character and identity of the locality and sense of place.
8. The proposed fence would have less impact on the adjacent protected trees than the foundations of a wall. However, I have found that an enclosure of this height in this location would be harmful, therefore the ability to construct the fence without harming the trees does not justify granting permission.
9. I appreciate that there are no objections from interested parties, and that the appellant has concerns about the public using this area of private land and the associated maintenance issues. There is however no compelling evidence before me that this could not be addressed by other, less harmful means such as planting. Interested parties suggest that a 5ft high fence might be more acceptable than the 6ft fence proposed, however there are no such plans before me and neither the Council or other interested parties have had the opportunity to consider that alternative. Moreover, I cannot be certain that such a reduction in height would be sufficient to maintain the spacious character of Grasmere Gardens and overcome the harm I have identified. Therefore, it would not be reasonable to secure this via a planning condition.
10. The area of land enclosed at 7 Grasmere Gardens is much smaller than in the appeal proposal, is bounded by a brick wall and relatively deep shrub border and does not affect the openness of the front garden of that property. Furthermore, after the junction with Grasmere Gardens, the character of Derwent Road changes, as hedges and other vegetation close to the road give it a less open character than that of the appeal site. The planting adjacent to No 7 contributes to that character. Consequently, that scheme is materially different to the proposal before me and has not significantly altered the open and spacious character of Grasmere Gardens. It does not therefore justify the harm I have identified from the appeal proposal.

Conclusion

11. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR