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# Appeal Decision

Site visit made on 10 May 2021

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

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

**Decision date: 18 June 2021**

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**Appeal Ref: APP/V1260/W/21/3267512**  
**81A Maxwell Road, Bournemouth BH9 1DJ**

- 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 Ms A. Heckford against the decision of Bournemouth Christchurch Poole Council.
  - The application Ref 7-2020-11210-D, dated 18 September 2020, was refused by notice dated 11 November 2020.
  - The development proposed is the erection of a fence and gates.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a fence and gates at 81A Maxwell Road, Bournemouth BH9 1DJ, in accordance with the terms of the application, Ref 7-2020-11210-D, dated 18 September 2020, subject to the following condition:
  - The development hereby permitted shall be in accordance with the Approved plans: Drawing Nos: 2003-100 Block/Location/Site Plan and 2003-101D Elevations

## Main Issues

2. The main issues are (1) the effect of the fence and gates, which are already in place, on the character and appearance of the area, and (2) the living conditions of occupants of the ground floor flat at 81 Maxwell Road.

## Reasons

### *Character and Appearance*

3. The fence is above a red brick wall of approximately 1m in height. The fence adds up to approximately 0.8m above the fence, as seen on site. The fence is clearly visible from the street and some parts of the surrounding streets being that the house is adjacent to a junction. Indeed, No 81A is in a prominent location on what appears a busy junction.
4. The prevailing character of the area is for low front boundary walls with soft landscaping above. However, there are numerous examples of fences above boundary walls surrounding properties, with some evident on other corner plots around the road junctions adjacent to No 81. They may not all be to the front of the properties, but they do mean that in this particular area the use of fences above walls is part of the character of this area.

5. Furthermore, the fence is not of an excessive height, with some of the lower section of the front elevation visible from the roadside. It is not a dominant feature, even in this prominent location. I am also aware that this is the only amenity space for occupants of No 81A and so the fence does provide some additional privacy and security in what is a busy area.
6. As such, the fence and gate are not harmful to the character and appearance of the area, thereby being in accordance with policy CS41 of the Bournemouth Local Plan: Core Strategy (2012). This policy requires development to be well designed and respect its surroundings.
7. I note the Design Guide contents with regards avoiding 'fortress effects' for example, but in this case, given the character of the vicinity of this property, the development would not be harmful.

#### *Living Conditions*

8. It is my understanding that the ground floor window serves a bedroom for No 81 Maxwell Road. The fence would block some views out from this window, but there is a reasonable separation distance between fence and window which prevents it becoming overbearing. The effect of the fence blocking views would be similar if there was a hedge or something of similar height instead, commonly seen in this area. However, there would still be some views from this window above the fence available. Furthermore, the height of the fence should not block any significant levels of light to this window.
9. Overall, there is no substantive evidence that the fence results in an enclosed feeling for occupiers of No 81 when viewed from this window, or that their outlook has been significantly diminished. On this basis, the fence and gate does not result in harm to the living conditions of those at No 81, or any other neighbour to the site based on my observations. The proposal in this regard is in accordance with policy CS41 of the Bournemouth Local Plan: Core Strategy (2012), which requires development to enhance the living conditions of future and neighbouring residents. The proposal also broadly accords with the Design Guide on this matter.

#### **Conditions**

10. As the fence is already in place there is no need for a commencement condition for the works. For the avoidance of doubt a condition for the fence to be retained as per the submitted plans has been included. However, the recommended condition for the fence to be treated in a dark brown colour is not required as this is not necessary to make the development acceptable in visual impact terms.

#### **Conclusion**

11. Subject to the condition set out above, the appeal should be allowed.

*Mr S Rennie*

INSPECTOR