
Appeal Decision

Site visit made on 10 August 2021

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2021

Appeal Ref: APP/V1260/D/21/3275320

8 Branksome Dene Road, Bournemouth BH4 8JW

- 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 A Ellis against the decision of BCP Council.
 - The application Ref 7-2021-26088-F, dated 5 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is described as "the erection of boundary treatment including fencing to existing boundary wall (retrospective)".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent from the evidence of the parties and from my site visit that fencing had been erected. Although the drawings submitted for the appeal depict a 1.8m high close boarded timber fence above a rendered wall, near to the boundary of the appeal property with 6 Branksome Dene Road the fencing was much lower in height. Notwithstanding this, I have confined myself to the consideration of the appeal proposal before me, rather than what has occurred on site.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Whilst I have had regard to the revised national policy in my decision, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, given the particulars of the case I am satisfied that there is no requirement to seek further comment from the parties on the revised Framework, and that in taking such an approach no party or their cases would be prejudiced.

Main Issue

4. The main issue is the effect of the boundary treatment on the character and appearance of the area.

Reasons

5. 8 Branksome Dene Road (No 8) is a detached house positioned in a residential area that is characterised by large, mostly detached houses. To either side of Branksome Dene Road the houses are set back within their plots behind similar

- sized, regular shaped front gardens. The consistency of both the depth of these front gardens and the positioning of the houses behind them creates long building lines that frame the road, giving a cohesive, harmonious appearance to the area.
6. Another characteristic of the area is that many of the houses have low walls that separate their front gardens from the public footway. Constructed from a variety of materials, the prevalence of so many walls with their similar heights creates a deliberate separation of the public and private realms. In addition, the presence of hedging, trees and shrubs in the front gardens gives a mature, verdant appearance to the street scene, which when combined with the low walls, enhances the visual cohesion of the area.
 7. The front garden and parking area of No 8 is to the western side of the property, with the northern boundary of the rear garden adjacent to the public footway. Abutting the footway is a low rendered wall that delineates part of the front garden of the property and also its rear garden. The height of the wall varies, but it forms a long, continuous edge immediately adjacent to the public footway.
 8. Above the wall would be a high timber fence, and the combined effect of such a long and tall boundary treatment would result in an incongruously intrusive feature within the area. The fence would be visible from a number of public viewpoints, including from some distance away when entering Branksome Dene Road from Alumhurst Road. This intrusion would be particularly harmful given that there are no other walls and / or fences of a comparable height nearby. Taken as a whole, the boundary treatment would be an overtly dominant feature within the area, creating a harsh juxtaposition with the cohesive harmony of the other garden boundaries that abut the public footway. Furthermore, this harm would be exaggerated through the introduction of timber fencing in an area characterised by walls and soft landscaping.
 9. The appellant requires a tall fence to provide privacy and security, particularly given that the property occupies an elevated position with two boundaries adjacent to the public realm. However, the elevated positioning of the property above the road and footway serves to reduce overlooking from passing members of the public and from the occupiers of the houses along the northern side of the road. The ground floor windows of No 8 are at a similar level to those first floor windows within the houses opposite. The degree of separation between the appeal property and the upper floor windows of these houses is not so close so as to cause an unacceptable loss of privacy for the occupiers of No 8. Moreover, a degree of mutual overlooking has to be expected in residential areas where there are neighbouring houses present. In this instance, the rear garden of No 8 would be more closely overlooked by the occupiers of other nearby properties.
 10. The appellant has undertaken planting within the rear garden adjacent to the fence. Even if allowed to grow above the fence top, the height of the fence is such that planting would have little impact on ameliorating the harm to the character and appearance of the area. The relationship of the wall and fence with the public footway would provide no opportunity to plant in front so as to harmonise with the verdant appearance of nearby properties.
 11. Despite the stepped height of the fence top, the long length of such a high boundary treatment so close to the public footway would create an imposing

boundary to No 8. Users of the footway would experience the height and length of the fence as oppressively intimidating, creating an appearance described as fortress-like in the Council's Residential Extensions: A Design Guide for Householders (2008) (Design Guide). Whilst noting this is guidance, No 8 is located within a corner plot in an elevated position that has a prominent public-private interface. Although views of the top floor of the house would be available above the fence, this would do little to ameliorate the discordant appearance of the boundary treatment adjacent to the public realm.

12. The appellant has drawn my attention to a number of other cases. Of those nearby properties referred to by the appellant, the boundaries of 1 Branksome Dene Road and 61 Alumhurst Road are much shorter in height than the scheme before me, as was the fence that was permitted at 2 Wollstonecraft Road. The fence permitted at 121 Redhill Drive is above a wall, but from the evidence provided it is positioned within a residential area with a different character and appearance than that found around No 8. Given these differences, neither these cases nor the absence of local objections forms a binding precedent for the appeal proposal.
13. The scheme would fail to respect the character and appearance of the area. This would be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012), and guidance within the Design Guide. These seek amongst other things, well designed and high quality development that enhances the site and its surroundings, thereby reflecting objectives of the Framework.

Conclusion

14. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR