



Appeal Decision

Site visit made on 24 January 2022

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/V1260/C/21/3281659

1 Recreation Road, Poole BH12 2EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Georgina Hall against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The enforcement notice was issued on 22 July 2021
 - The breach of planning control as alleged in the notice is to the front of the dwelling (a) the erection of a brick pillars, wall and timber panel combination adjacent to a highway exceeding a height of 1 metre and (b) the erection of a boundary fence between Nos 1 and 3, Recreation Road exceeding a height of 1 metre where it meets a highway.
 - The requirements of the notice are (a) reduce the height of the brick pillars, wall and timber panel means of enclosure combination adjacent to the highway to a maximum of 1 metre, when measured from the pavement edge, and (b) reduce the first concrete post and close boarded fencing up to the second concrete post, where it forms part of the boundary between Nos 1 and 3, Recreation Road, to a maximum of 1 metre when measured from the adjacent ground level and (c) remove all resulting materials from compliance with (a) and (b) above from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended.
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Procedural Matters

1. Ground (d) was added to the grounds of appeal.

Decision

2. The appeal is dismissed.

Reasons

Ground (d)

3. The appellant appeals on ground (d), effectively that the alleged development has been in place for 4 years. However, that is clearly not so, as on the appellant's own case it was built in 2020, and that it is recent was clear at the site visit. The fact that some other form of boundary, including a wall, was in place previously is not relevant to ground (d), as that wall was demolished and this is a new form of development.
4. The appeal on ground (d) fails.

Ground (a)

5. The main issue is the effect on highway safety.

6. The development plan includes the Poole Local Plan. Relevant policies include PP27 – Design and Policy PP35 relates to safety, accessibility and transport.
7. At the time the enforcement notice was issued the structure was formed with a wall, piers and fence. The fence part has been removed from the front wall and the appellant notes that there has been a reduction in the brickwork height of the front wall. The ground (a) appeal relates to the allegation.
8. The Council does not make a case against the structure on character and appearance grounds or neighbours' living conditions.

Highway safety

9. The structures interfere with visibility at the property entrance for persons using the access with a vehicle, and that is the case with the current altered arrangement. This is because of a combination of the height of the piers and the width of the opening, which reduces visibility, particularly for shorter users of the path. Policy PP27 notes prioritising the needs of pedestrians and cyclists before private cars. Policy PP35 requires the provision of safe access to the highway. In my view, because of the reduced visibility the access has significantly reduced safety for, in particular, pedestrians including children and a little for cyclists. I therefore consider that in line with policies the deemed application should be refused.
10. I acknowledge that there may be ways of making the access safe, but it is for the appellant to put these forward. Without sufficient detail an assessment cannot be made. This would best be made in the form of a planning application or complying with the notice to reduce the structures to within permitted development limits, which would restrict heights and allow improved visibility.
11. I appreciate that the previous wall/hedge may also have had some visibility issues, but this is a new application and has to be considered on its merits and in relation to current policies, and maintaining safety is an important consideration in policies.
12. The appeal on ground (a) fails.

Graham Dudley

Planning Inspector