
Appeal Decision

Site visit made on 1 March 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/D1265/D/21/3288459

238 New Road, West Parley, FERNDOWN, BH22 8EW

- 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 Andrew Hustler against the decision of Dorset Council.
 - The application Ref 3/21/1108/HOU, dated 1 June 2021, was refused by notice dated 22 October 2021.
 - The development proposed is a new vehicular access and drive with 1.8m high boundary fence and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have identified an error in their decision notice with an incorrect reference to the Glenmoor/Moorland Road Special Character Area (SCA) when, in fact, the site lies within the New Road SCA. They highlight that their delegated report correctly refers to the New Road Area SCA as a constraint and refers to the correct criteria relating to the New Road SCA. The Appellant also refers to them in the grounds of appeal. On this basis I consider that the Council's error in the reason for refusal has not prejudiced either party.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the New Road Special Character Area.

Reasons

4. The appeal site is a recently redeveloped chalet bungalow, in an established residential area and within the 'New Road Special Character Area' (SCA). In this location the pattern of development is predominantly characterised by properties set back from the roadway. Some have mature vegetation to their frontages, others have substantial timber fencing approaching 2 metres in height, as is the case either side of the appeal site. The existing front boundary to the appeal site is picket fencing marginally more than a metre in height with shrub planting behind, some of which has already been removed.
5. As noted within the Special Character Areas Supplementary Planning Guidance No.27 (2005) (the SPG), the low density development in this area affords a sense of spaciousness, emphasised by generous landscaping. The mature trees and vegetation providing a distinctive and pleasant suburban feel. The special character area guidance criteria include requirements that developments must

not dominate or adversely affect existing vegetation; that boundary vegetation must not be adversely affected; and that comprehensive landscaping plans must accompany any application for redevelopment. Furthermore, in order to sustain the special character of the area it is vital that sufficient space is allocated for high quality landscaping which includes tree and understory planting to reinforce the landscape around and within the site.

6. As the appellant states the gates would be set back from the frontage by 4.5 metres and would not form a continuous line of fencing with those either side. Nonetheless the plans detail that around half of the site frontage would have tall boundary fencing and the remainder, at the same height, would be recessed and configured around the new access gates set back into the site. This arrangement would leave no space for meaningful planting to be established and the effect would be a visually striking and hard edge to the site frontage.
7. A plan has been provided by the appellant to show how the development could be altered to incorporate the planting to meet the Councils requirements. However, it is not the purpose of an appeal to evolve the details of a scheme. Equally the revised plan alters the position of the access and drive in relation to a tree protected by a Tree Preservation Order and that plan has not been the subject of any consultation. Whilst it is open to the appellant to submit an alternative scheme to address the shortcomings identified by the Council, I have to determine the appeal scheme on the basis of the appeal submission as decided by the Council and not on the basis of the alternative that the appellant has more recently sought to introduce.
8. The appellant highlights that the hard surfacing of the garden area could be permitted development. The reasons for refusal take issue with the extent of the proposed hard standing at the front and back of the plot. Whilst this aspect of the proposal would not be highly visible from beyond the site boundaries it would significantly limit the amount of available garden space. It would also mean that the site would be dominated by the accesses and hardstanding (existing and proposed); factors which the local guidance specifically seeks to avoid.
9. For the above reasons the development would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 (Core Strategy) (2014) and to the design criteria within the Special Character Area Guidance 27 - East Dorset District Council (2005) and section 12 of the National Planning Policy Framework. These, amongst other things, seek to ensure that development is of high quality; reflects and enhances areas of recognised local distinctiveness and in Special Character Areas respects identified features and characteristics.
10. In reaching this decision I am aware that there are examples of sturdy boundary treatments in the vicinity of the site, indeed that opposite is formed from uniformly rendered walling with planting behind. Additionally, fences of approximately 1.8 metres in height to the New Road frontages either side of the appeal site both appear to be recently constructed. Although fences either side are in place, and consistency of decision making is important, it is far from clear whether the examples given benefit from planning permission. Consequently, despite being immediately adjacent their existence does not alter my finding.

Other Matters

11. The appellant argues that there has been a sporadic application of the SCA guidelines and maintains the area is now characterised by the presence of high close boarded fencing including an example at Cresta Gardens. Whilst I saw examples locally on my visit, I do not agree that the area is characterised by such fencing and the detailed circumstances of the examples given in the wider area have not been provided. In any event I have to make a decision on the circumstances as they apply to this site and the comparisons do not alter my conclusion.
12. I understand that the appellant wishes to secure greater privacy to the site frontage. He also wishes to seek a wider vehicular access with greater visibility than that available to him at the existing access from Birch Close. These benefits would be personal to the appellant and personal circumstances rarely outweigh general planning matters. In this case there would be clear conflict with development plan policy and the Councils supplementary guidance which together seek to protect Special Character Areas and the contribution they make to the local environment.
13. A large scale development along New Road has been cited by the appellant who argues it to have greater impact on the local area than the appeal scheme. I note that the building referred to is sizeable. However, in that case the frontage treatment includes fencing set back from the footpath edge and the scheme incorporates boundary landscaping, a feature which this scheme lacks. Even though it is a recent development where landscaping is not yet mature, it differs from this appeal scheme where no frontage planting is proposed.
14. The objections raised by the Parish Council and local residents to the creation of a new point of access onto New Road are acknowledged. However, there is no highway objection and no substantive evidence that there would be a level of highway risk caused by the proposal. Similarly, there is no reason for refusal based on highway safety grounds and this matter does not alter my findings.

Conclusion

15. Taking all of the above factors into account and having regard to all other matters raised the appeal is dismissed.

J Wilson

INSPECTOR