



Appeal Decision

Site visit made on 16 September 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2022.

Appeal Ref: APP/V1260/D/22/3300742

97 Alumhurst Road, Bournemouth, BH4 8HR

- 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 L Edwards against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2022-6663-R, dated 21 January 2022, was refused by notice dated 17 March 2022.
 - The development is the erection of a boundary wall and gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary wall and gates at 97 Alumhurst Road, Bournemouth, BH4 8HR in accordance with the terms of the application, Ref 7-2022-6663-R, dated 21 January 2022.

Preliminary matter

2. The development subject of the original application has already been carried out on the frontage of the property. As the appellant points out, some additional louvred wooden panels not shown on the submitted plans/illustrations have been erected. I consider these to be minor additions. The appellant, in effect, wishes to retain all the as-built features. I shall proceed on this basis.

Main issues

3. The main issues are the effect of the development on: (a) the character and appearance of its surroundings, and (b) on pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal property is a large Victorian building in residential use. What was previously a largely open frontage has been enclosed with a low boundary wall, topped by wooden panels; piers and gates complete the enclosure. The Council does not find the boundary wall to be objectionable - its concerns centre on the solid timber gates and piers, which in its view result in *'a harsh edge to the frontage of the property to the detriment of the character and appearance of the area'*.
5. I drove or walked the whole length of Alumhurst Road, and what was striking to me was the variation in frontage treatments. Piers were not an uncommon

feature, indeed, as has been pointed out, the Council has recently granted planning permission for frontage piers at nearby properties¹. I saw these, and they did not look incongruous or out of place. Nor did the piers built just around the corner in Crosby Road, framing the entrance to the parking area serving a block of flats fronting Alumhurst Road.

6. The Council says that each application should be considered on its merits, but the fact that piers are not an uncharacteristic feature of the street scene cannot simply be ignored. Similarly with the gates. A variety of gated accesses are evident in the street, albeit I saw none of the sliding type proposed by the appellant.
7. Nevertheless, the overall picture presented by the development is not one which I found to be disharmonious. Indeed, as the Council acknowledges, the quality of the finishes is acceptable, and the materials chosen are of good quality. The development, in my view, sits appropriately in its visual context without harming the character and appearance of the surrounding area.
8. Accordingly, I find no conflict with those provisions of Policy CS41 of the Bournemouth Local Plan - Core Strategy (LP) requiring the design of new development to respect the character of the surrounding area.

Pedestrian and highway safety

9. With reference to advice contained in its SPD², the Council is concerned that the development would compromise safety since it has reduced the available lateral visibilities for drivers using the parking spaces at Nos 97 & 99 and forward visibilities for pedestrians using the adjacent footway.
10. One of the characteristics of this part of Alumhurst Road is that the Council's visibility standards are not achieved in practice on many domestic properties. Indeed, in several instances lateral visibilities are virtually nil. For example, diagonally across the street a timber fence fronts Nos 132 & 132A and obstructs visibilities from the parking spaces; at No 99a a similar situation exists³. I saw another local example on the opposite frontage where a low boundary wall was backed by a hedge, which compromised lateral visibilities.
11. The visibility standards relied upon by the Council assume that drivers would reverse into parking spaces. But when I visited, No. 99's car spaces nearest to No 97, were occupied by drivers who had driven into them. They would therefore reverse from the spaces onto the highway. In these circumstances, the Council's visibility standards become inoperative and largely irrelevant.
12. I noted the presence of the bus stop in the street outside, but I am not persuaded that the development has prejudiced its safe operation, as has been suggested.
13. To my mind, the Council's objections are based on what appears to me to be a rigid and over-enthusiastic application of dimensional guidelines in circumstances where numerous local examples exist of similar development having taking place without apparent harmful effects⁴. In my view, given a

¹ At Nos 99a and 104 Alumhurst Road respectively

² Supplementary Planning Document – Parking Standards

³ Subject of a recent planning permission described by the Council as an 'oversight'.

⁴ The Council, for example, had not produced evidence of an accident record in the street

normal level of caution and care when driving and manoeuvring, the development is unlikely to harm either highway or pedestrian safety.

14. The Council cite LP policy CS18 in dealing with issues of highway and pedestrian safety, but I find this to be a policy directed to increasing the opportunities for cycling and walking. Its' relevance in the context of a road safety issue is therefore questionable.
15. Accordingly, I have considered and assessed the proposal having regard to the guidance provided in the Framework⁵. In the context of its paragraphs 112 & 113, I find the development, if retained, would not prove to be unsafe for either pedestrians or car drivers, and there would be no unacceptable impact on highway safety.

Other matters

16. All other matters referred to in the representations have been considered, including matters raised by several local residents both in support of and against the development. I have already dealt with most of the issues raised by the objectors. I note however the concerns raised as to potential loss of outlook and light to some neighbouring residents at No 99. The basis for these objections is evaluated in the officer report on the application, and I have no reason to disagree with the Council's view that the development has not caused harm to neighbouring living conditions.
17. I have also taken account of the Council's references to its Supplementary Planning Document (SPD) entitled 'Residential Design', with particular reference to the section dealing with 'Front Boundaries'.
18. The Council has signified that no conditions are required to be imposed in the event of the appeal succeeding. Since the development has been undertaken and is complete, I agree that no conditions are necessary.
19. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be allowed.

G Powys Jones

INSPECTOR

⁵ The National Planning Policy Framework