



Appeal Decision

Site visit made on 12 December 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/D1265/D/22/3308358

1 Wight Walk, West Parley, Dorset, BH22 8QA

- 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 T Joiner against the decision of Dorset Council.
 - The application Ref P/HOU/2022/02866, dated 5 May 2022, was refused by notice dated 15 July 2022.
 - The application sought to retain 1.85m close boarded boundary fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have adopted the description of development as set out in the decision notice as this more accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the appeal sites location within the New Road Special Character Area.

Reasons

4. The appeal site comprises a large, detached property situated within a spacious plot on the corner of Wight Walk with Dudsbury Road. It forms part of an established residential area and is within the New Road Special Character Area (SCA). Some of the surrounding properties have mature hedging and other planting to their boundaries, whereas others have timber fencing or walls of varying heights. There are also properties that have a combination of the two, where lower height fencing/walls allow the hedging/planting to predominate. In relation to the appeal site, the proposed 1.85 metre close boarded boundary fence is already in place and planning permission is therefore sought for its retention.
5. The Special Character Area Supplementary Planning Guidance No.27 (October 2005) (SPG) states that the New Road SCA is characterised by predominantly low density development that affords a sense of spaciousness with properties set back from the road and within spacious plots that include generous landscaping, lawns and tree cover. The mature tree cover, hedging and under storey planting contribute significantly to the distinctive character of the area and its pleasant suburban feel. The Development Criteria to the SPG

- emphasise, amongst other requirements, that new development must not dominate or adversely affect existing boundary vegetation; that hedges should not be replaced by fences or walls; and where there is no existing hedging, that a combination of hedging and fencing/walls may be considered appropriate provided the hedging predominates.
6. The original boundary hedging and other planting to the appeal site has been retained behind the proposed fence. Even so, as I observed on site, the new fencing effectively screens the majority of the hedging with only a small part of the top of the hedge visible from Wight Walk and from the corner and part return frontage to Dudsbury Road. On the northern section of the Dudsbury Road frontage, existing planting is much higher and thus more visible above the proposed fence.
 7. Within the above context, the height, length and extent of the proposed fence is in my view excessive and visually intrusive. It results in a hard frontage to the appeal site on what is a very prominent corner location. The dark colouring or stain to the fence does not mitigate the adverse affect it has on existing boundary vegetation, with, as I confirmed above, the majority of the existing hedge largely screened by the proposed fence. Whilst I accept that the hedge could grow higher, the new fence would still visually dominate this part of the streetscene, resulting in significant harm to the identified features and characteristics of the area that contribute to its SCA designation.
 8. The above findings are supported by the photographs in figures 5 and 6 of the Appellants Statement, which show the boundary hedging on the appeal site prior to it being cut back and the new fencing installed. As those images demonstrate, the original hedging was extensive and combined with other tree cover and planting made a significant contribution to the distinctive and spacious character of the SCA. Indeed, as I observed on site, the retained hedge still has a good depth to it and is evergreen, but these features are only now largely visible from the garden to the appeal site.
 9. The Appellant contends that there is a variety of existing boundary treatments and fencing within the area, including opposite on Wight Walk and, for example, on Dudsbury Road and Chine Walk (to the east of the appeal site). Whilst I saw these examples and others on my site visit, the area is not dominated by such fencing and as I indicated above there remain a large number of properties where mature boundary hedging/planting predominates. As I also alluded to earlier, this was apparently the case on the appeal site, as the Appellants own images show, before the new fencing was erected. Even so, no evidence of the planning background or details of the individual circumstances to these examples has been provided or whether they benefit from planning permission. Moreover, I have, as is required, determined the appeal proposal on its individual merits and on the circumstances as they apply to this site. Consequently, none of these examples are in my view comparable or affect my overall findings.
 10. Whilst I also appreciate that the proposed fence would provide added security and privacy to the garden of the appeal site, those considerations are not sufficient in themselves to outweigh the significant harm that I have identified above, including the clear conflict with development plan policy and SPG guidance which together seek to protect Special Character Areas and the contribution they make to local distinctiveness. Moreover, the benefits of

increased privacy and security could in my view be secured through new fencing on the garden side of the existing hedge, which would allow the hedge to retain its predominance.

11. For the above reasons, I find that the appeal proposal would result in significant harm to the character and appearance of the SCA contrary to policy HE2 of the Christchurch & East Dorset Local Plan Part 1 – Core Strategy (April 2014), the corresponding SPG guidance and paragraph 130 c) of the National Planning Policy Framework (July 2021) (Framework). These policies, amongst other requirements, seek to ensure that new development is sympathetic to local character; reflects and enhances areas of recognised local distinctiveness; and within Special Character Areas respects identified features and characteristics.

Conclusion

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, the appeal proposal would be in conflict with development plan policy and SPG guidance, as well as relevant policy in the Framework and there are no material considerations that justify making a decision other than in accordance with the development plan.
13. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR