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# 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: 27 January 2023**

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**Appeal Ref: APP/D1265/D/22/3310446**

**17a Birch Avenue, West Parley, Ferndown, BH22 8PG**

- 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 Richard Chard against the decision of Dorset Council.
  - The application Ref P/HOU/2022/00729, dated 23 April 2022, was refused by notice dated 24 August 2022.
  - The application sought to retain 1.9m rear garden fence with new pedestrian access gate.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have adopted the description of development as set out in the decision notice as this more concisely describes the proposal.
3. The Council's decision notice contained an error in that it referred to the Glenmoor/Moorland Road Special Character Area, whereas the appeal site is, in fact, located within the New Road Special Character Area. Even though the Council's Delegated Report referred to the New Road Special Character Area and the correct criteria for this area, in order to avoid any prejudice that might arise from this error I invited the Appellant to submit further comments on the understanding that the Council's reason for refusal alleged that the appeal proposal conflicted with 'Development Criteria' 12 and 16 of the New Road Special Character Area. The Appellants comments were submitted on 10 January 2023 (Further Comments) which I have taken into account in determining this appeal.

## Main Issue

4. 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

5. The appeal site comprises a detached property within a good sized plot that is accessed from Birch Avenue with its rear garden backing onto New Road. It forms part of a predominantly residential area within the New Road Special Character Area (SCA). Some of the surrounding properties, that front on to or back on to New Road, 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 fencing/walls and hedging/planting. In relation to the appeal site the proposed 1.9 metre close boarded rear garden fence and gate is already in place and planning permission is, therefore, sought retrospectively for its retention.

6. 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, within good sized plots that include generous landscaping, lawns and tree cover. The mature tree cover, hedging and under storey planting contribute 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; that where there is no existing hedging a combination of hedging and fencing/walls may be considered appropriate provided the hedging predominates; that new development must be accompanied by a comprehensive landscaping plan; and that where properties are adjacent to the highway the “fortress” appearance caused by high walls/fences and gates should be avoided.
7. I have not been provided with any images of the rear boundary treatment prior to the erection of the new fencing and gate. However, in the ‘Description of Proposed Works’ on the Application Form the Appellant states that the fencing replaced an existing hedge, conifer trees and a gate that were overgrown and/or irreparable. The statement indicates that the hedge and trees were 30/40 feet high.
8. Within the above context, the height, length and siting of the proposed fence and gate is, in my view, excessive and visually intrusive. It results in a hard edge to the rear of the appeal site, in a prominent location on a busy main road. The light wood colouring and concrete posts to the new fence accentuate its visual impact. Whilst I appreciate that the fence could be stained a darker colour this would not mitigate for the harm that results to the identified characteristics of the area that contribute to its SCA designation.
9. No landscaping scheme has been submitted and the siting and extent of the new fencing and gate is such that it leaves no space for any planting to be provided in front of the new fence, on the roadside frontage. Consequently, the effect is a hard edge to the rear boundary, replacing, what the Appellant states, was apparently a boundary of hedging and conifer trees.
10. My findings are supported by the decision on 238 New Road (No.238) where planning permission for a 1.8 metre high boundary fence and gate was dismissed on appeal on 10 March 2022 (ref. APP/D1265/D/21/3288459) (2022 Appeal). In that decision the Inspector came to a similar conclusion in finding that the effect of the proposed fence would be a visually striking hard edge to the frontage of the site to New Road, in clear conflict with development plan policy and SPG guidance. The relevance of that decision is heightened by the fact that No.238 is located immediately to the south of the appeal site and that the Inspectors findings were made within the context of nearby examples of rear boundary fencing which appear to be similar to some of the examples that the Appellant has referred to in evidence.

11. Whilst I saw examples of fencing on my visit and the Appellant has drawn attention to these again in the photographs accompanying their Further Comments, as the Inspector in the 2022 Appeal found the area is not solely characterised by such fencing and there remain a number of properties where mature boundary hedging and planting predominate. Even so, no evidence of the planning background to these examples has been provided or whether any of them benefit from planning permission. As is required, I have determined the appeal proposal on its merits having regard to the individual circumstances of the case. Consequently, none of these examples affect my overall findings.
12. The Appellants Further Comments also questioned the special characteristics of New Road given the presence of existing fencing. Whilst I have addressed this issue, as I also confirmed above my findings are consistent with those reached by the Inspector in the 2022 Appeal. In that respect, it is important, in my view, that there is a consistency in decision making particularly in areas where new development can on its own or cumulatively undermine and thus harm the identified characteristics of the area that contribute to its SCA designation. Even so, there is no evidence before me to suggest that the policy and SPG guidance for the New Road SCA have been applied inconsistently or on an ad hoc basis.
13. Whilst I appreciate that the proposed fence would provide added security, safety and privacy to the rear garden for the Appellant's children and pets, none of these considerations nor any other personal circumstances outweigh the significant harm that I have identified. Moreover, whilst it is difficult in the absence of any images of the original hedge/conifers to reach a firm view on the impact of their removal, the SPG states that where such circumstances exist consideration will be given to the option of new hedging and lower height fencing, which allows the hedge to predominate. I understand that this is the option that the owner of No.238 has now secured planning permission for following the 2022 Appeal decision.
14. 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 SPG guidance and paragraph 130 c) of the National Planning Policy Framework (July 2021) (Framework). These policies seek, amongst other requirements, to ensure that new development is sympathetic to local character; that development reflects and enhances areas of recognised local distinctiveness; and that within Special Character Areas new development respects identified features and characteristics.

## **Conclusion**

15. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR