



Appeal Decision

Site visit made on 27 February 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/B1740/D/22/3312689

4A Belmore Road, Lymington, Hampshire, SO41 3NT

- 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 Queenan against the decision of New Forest District Council.
 - The application Ref 22/10911, dated 29 July 2022, was refused by notice dated 14 September 2022.
 - The development proposed is the erection of fence and gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of fence and gates at 4A Belmore Road, Lymington, Hampshire, SO41 3NT in accordance with the terms of the application, Ref 22/10911, dated 29 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 1, 2 and 3.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a detached, two-storey dwelling dating from the late 1970s within a residential neighbourhood comprising a mix of dwelling types, ages and appearances. The property currently has a low brick wall enclosure to the front boundary and open driveway, with 1.8m high brick piers to either side of the frontage and, to an equivalent height, a combination of a brick wall to one side boundary and a brick wall and trellis enclosure to the opposite side, both leading up to the back edge of the pavement. The proposal is to erect trellis fencing on top of the existing low brick wall to the front, to a height of 1.8m, with a pair of similar style double gates across the driveway to an equivalent height.
4. The Council describes Belmore Road as a pleasant street defined by its low and open front boundary treatments. Whilst Belmore Road is undeniably pleasant in character, I did not recognise it as profoundly open. Within close proximity of the appeal site I saw a significant mix of boundary enclosures to the back

edge of the pavements along both sides of the road, ranging from high hedges, low to medium height fences and walls, and some examples of solid, taller fences and walls. Furthermore, despite referenced within the Council's decision, I have not been directed to anything within the *Lymington Local Distinctiveness Supplementary Planning Document* (2011) (SPD) which specifically identifies any spacious quality to Belmore Road that is significant or important. Whilst some properties have front gardens that could be described as open, many along Belmore Road do not. Although the SPD references low hedges, walls or fences that allow front gardens to contribute character throughout the west of the South Lymington area, openness is not, in my assessment, a defining character trait of the appeal site's immediate locality.

5. In addition to this, the appellant has submitted photographic evidence, that is undisputed by the Council, showing clearly that a front boundary wall equivalent in height to the existing brick piers stood in 1983, and that a wall with solid timber gates to a similar height was also in situ in 2008. The first photograph is clearly of some age. The second photograph is digitally date stamped. I have no reason to doubt their validity. Moreover, they demonstrate that a boundary enclosure equivalent in height to that now proposed stood at the appeal site for many years, and that it would have been an assimilated part of the mixed street scene that is still evident today.
6. The proposed trellis on top of the existing wall, and similar style gates, would be lightweight features. They would occupy a position at the back edge of the footpath that would be consistent with the alignment of all the other front boundary enclosures along Belmore Road. The height would compare with the original enclosure to No 4A and others I saw in places along Belmore Road. My impression overall is that the fence and gates would be appropriately residential in scale and appearance, and in-keeping with the established mixed character of the street scene. As such, I am satisfied that the proposal would achieve the high quality of design that is required by Policy ENV3 of the Local Plan 2016 - 2036 Part 1: Planning Strategy for the New Forest District outside the New Forest National Park in order for it to appear sympathetic and in context with its surroundings. For the same reasons I am satisfied that there would be no conflict with the National Planning Policy Framework's objectives for achieving well-designed places.

Other Matters

7. The rear of the appeal site comprising the bottom half of the property's rear garden is situated within the boundary of the Lymington Conservation Area. The Council is satisfied that the proposal would have no impact on the setting or special character of the Lymington Conservation Area. I have no reason to disagree and am satisfied that the conservation area's significance as a heritage asset would be unaffected.

Conditions

8. A condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition that states '*details of the 1.8m high trellis fence and wall to be used on the balcony hereby approved shall be submitted to and approved in writing by the Local Planning Authority*'. The appeal is for a front boundary fence and gates, not a balcony. The plans and application detail the size, position and appearance of the fence and gates. No further details are necessary.

Conclusion

9. For the reasons given, I am satisfied that there would be no harm to the character or appearance of the area. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR