
Appeal Decision

Site visit made on 14 April 2023

by G Powys Jones MSc FRTPI

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

Decision date: 4th May 2023

Appeal Ref: APP/D1265/D/23/3315516

14 Lone Pine Drive, West Parley, Ferndown, Dorset, BH22 8LL

- 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 Nigel Nelms against the decision of Dorset Council.
 - The application Ref P/HOU/2022/07152, dated 15 November 2022, was refused by notice dated 30 December 2022.
 - The development is to retain fencing following removal of conifer hedging to two sides of the property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since it more accurately describes the nature of the development, I have used the description utilised in the Council's decision letter rather than that set out in the original application form. As the description implies, the fence was erected without planning permission, is substantially complete, and the appellant wishes to retain it. I shall therefore proceed as if the original application had been made under s73A of the Act¹.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

4. The appeal property is a large attractive dwelling, set within a spacious plot, with gardens to the front, sides and rear. Because the plot is sited at a road junction, much of the garden would lack privacy and security unless adequately screened. The screening function was previously performed by a leylandii hedge, but this was removed in its entirety and replaced by a relatively tall fence, supported by concrete pillars. I have no reason to doubt the accounts provided of the poor condition of the hedge prior to its removal. The fence has been erected virtually at the boundary with the public highway, thus allowing no space for planting to its front.
5. The appellant has pointed to several other examples of what he regards as similar types of fencing having been erected within the locality, and of other forms of solid garden enclosures, including walls. However, I drove around the

¹ The Town & Country Planning Act 1990 (as amended)

surrounding streets during my site visit and judging from what I saw, the majority of garden enclosures were green, with a variety of plant species on display. In some cases, low walls were supplemented by planting, and in others planting was used in association with higher enclosures of a more permanent nature.

6. The overall impression I gained was this was a good quality residential area characterised not only by relatively low density housing, but by its overall verdant nature, where individual and groups of trees were supplemented by greenery in the form of hedging at ground level. Where plain and stark fencing had been used these, to my mind, stood out conspicuously and harmfully. Their presence, in itself, does not justify further harmful development.
7. In view of the dimensions of the appellant's plot and because the fence erected stands at a junction, it extends a significant length along two frontages and is therefore prominent in the street scene. To my mind, notwithstanding the good quality of the materials utilised, it stands as a stark and harsh addition to the street scene damaging its character and appearance. I fully understand the appellant's desire for security and privacy, but these two objectives could in my view have been achieved in a different and more acceptable manner, and one which paid due and proper regard to the visual amenities of the surrounding area.
8. I therefore conclude that the development stands conspicuously and obtrusively in its spatial and visual context harming the character and appearance of its surroundings. Accordingly, I find a clear conflict with those provisions of Policy HE2 of the Christchurch and East Dorset Local Plan – Core Strategy directed to ensuring high quality design in new development reflecting and enhancing areas of recognised local distinctiveness, such as this, which carries a local designation as a Special Character Area² largely on account of its verdant nature.

Other matters

9. The appellant's comments on the SPG have been noted, that is, that he has been informed that it will shortly be superseded. As matters stand, however, it remains as a material consideration carrying due weight not least since it is specifically referred to in local development plan policy as a matter to be taken into account in planning decisions.
10. I have noted and considered the expressions of support made by some local residents, and those of the West Parley Parish Council who objected to the scheme.
11. I have considered all other matters raised in the representations, but none is of such strength or significance as to outweigh those that led me to my conclusions.

G Powys Jones

INSPECTOR

² Special Character Areas - Supplementary Planning Guidance No.27 (SPG)

