



Appeal Decision

Site visit made on 18 May 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/V1260/D/23/3314022

35 Mossley Avenue, Poole BH12 5DQ

- 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 Iuliana Dumitriu against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/22/01148/F, dated 16 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as a wall and fence combination, and to erect new gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form states, in relation to Question E, that the description of the development had not changed from that stated on the application form, but then went on to give the description in the same terms as that set out on the Council's Decision Notice. I consider the Council's description to provide more precision regarding the development that is proposed and so I have determined this appeal on that basis.
3. The development appears to be retrospective, however, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will therefore refer to the 'proposed development' throughout my decision, regardless of what has been undertaken on site.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The pattern of development in this part of Mossley Avenue and the immediate locality broadly comprises dwellings with open frontages. Some of the dwellings have mature landscaping above dwarf walls or low-level fences which softens these frontages. This character gives the local area a sense of openness and this contributes positively to the local character and appearance of the area.
6. The proposed development would introduce a hard boundary treatment of considerable height to all the street facing boundaries at this corner plot. This would create an austere and incongruous addition to the otherwise broadly open streetscape.

7. While some of the corner plots do have one taller street facing hard boundary treatment, these do not surround the plots, and are not as extensive as the proposed development.
8. I appreciate that the appellant wishes to erect a secure means of enclosure for privacy, security, and safety reasons. While this is a material consideration, it has not been robustly shown that the proposed development is the only or least visually intrusive method of achieving this. It therefore does not alter my overall findings in respect to this main issue.
9. While the appellant has provided several photos showing boundary treatments elsewhere at other properties, it is not clear where these were taken or if they benefit from planning permission. It is therefore difficult to make comparisons between these photos and the proposed development.
10. My assessment benefits from a site visit where I walked along the immediate area surrounding the appeal site. While boundary treatments similar to the photos may well exist further away, my assessment has been guided by what I saw during my site visit and the overall evidence submitted.
11. Even if similar examples did exist nearby, the presence of visually harmful development elsewhere is not a reason to recreate it somewhere else. Therefore, the proposed development would unacceptably harm the open pattern of development in the locality failing to maintain or enhance the character and appearance of the area.
12. As such, the proposed development would unacceptably conflict with the relevant provisions of Policy PP27 of the Poole Local Plan 2018. This, amongst other things, seeks to promote high quality design which responds to local distinctiveness.

Conclusion

13. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR