



## Appeal Decision

Site visit made on 8 November 2023

**by D R McCreery MA BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> December 2023**

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**Appeal Ref: APP/V1260/W/23/3324064**

**32 Endfield Road, CHRISTCHURCH, BH23 2HT**

- 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 S Crabb against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref 8/22/0829/COU, dated 29 September 2022, was refused by notice dated 1 February 2023.
  - The development proposed is change of use of grass verge to use as private garden, re-positioning of new boundary fence. Widening of access driveway.
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### Decision

1. The appeal is allowed and planning permission is granted for Change of use of grass verge to use as private garden, re-positioning of new boundary fence. Widening of access driveway at 32 Endfield Road, CHRISTCHURCH, BH23 2HT in accordance with the terms of the application, Ref 8/22/0829/COU, dated 29 September 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: ASP.22.034.001 Rev A, ASP.22.034.002, ASP.22.034.101 Rev A, ASP.22.034.102 Rev A and ASP.22.034.103 Rev A.
  - 3) The materials to be used for the fencing shall be as specified in the application unless otherwise agreed in writing with the Local Planning Authority.
  - 4) No fencing shall be erected until details of landscaping for the publicly facing verge have been submitted to and approved in writing by the local planning authority. All landscape works shall be carried out in accordance with the approved details prior to the erection of any fencing, or in accordance with a timetable otherwise agreed in writing with the Local Planning Authority. Any approved planting found damaged, dead or dying in the first five years following their planting are to be replaced with an appropriate species.

- 5) In relation to the new area of private garden that is the subject of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of a dwellinghouse, porches, buildings incidental to the enjoyment of a dwellinghouse, fences, gates or walls shall be erected without the permission of the Local Planning Authority.

## **Main Issue**

2. The main issue is the effect on the character and appearance of the area and local amenity green space provision.

## **Reasons**

3. The character of the area is residential, with a road layout typical of 20<sup>th</sup> century housing development. The site is a corner plot at the junction of Endfield Road and Crofton Close. There is a high degree of variation in terms of dwelling appearance and boundary treatment.
4. Public views of the verge are predominantly from close to the site, with additional views also from private properties. Longer views, particularly along Endfield Road, are restricted by the topography and built structures. In available views, there is an openness to Crofton Close that contributes positively to the character of the area and arises due to the absence of substantial built presence on the verge and that of No.28. The openness creates both a townscape gap and allows views through to the houses within Crofton Close and the trees beyond. These are all positive features in character terms.
5. Any level of symmetry provided by the verge and that adjacent to No.28 is not immediately apparent. Symmetry is not generally a strong feature of the area, due in part to the variation mentioned above. More specifically, No. 32 and No.28 are clearly different in both appearance and scale. This removes any expectation that symmetry should exist. As such, the need for symmetry between the two verges is not an important feature in character and appearance terms.
6. The proposal would enclose part of the verge and, in doing so, disrupt the sense of openness to a degree. This would arise because of the proposed fencing. However, the effects would be mitigated by the setback from the public footway and the fence height (including step up towards the rear of the site). The road and remaining verge would remain as a principal source of openness.
7. Further, conditions could be used to remove permitted development rights and control the future construction of fences and structures within the enclosed area. This would ensure that the site continues to make an appropriate contribution to the sense of openness.

8. Mindful that the National Planning Policy Framework (Framework) advises against using conditions in this way, I am satisfied that the required clear justification exists in this instance. A condition is also needed regarding landscaping of the verge to ensure that the public facing elements are of a high quality and promote biodiversity, and therefore consistent with giving high priority to quality of landscaping.
9. In these circumstances, it is an overstatement to say that the proposal would completely change the character of the entrance to Crofton Close or, indeed, be inappropriate in character and scale to the immediate locality. Rather, I find the proposal to be acceptable in this regard.
10. Turning to loss of local amenity greenspace. Although the land is not designated as open space for planning purposes, paying regard to the comments of interested parties, I recognise that it offers a degree of local amenity value and the contribution that such spaces can make individually and cumulatively to quality of place. The ownership status of the verge is not demonstrated one way or another. Regardless, it's unenclosed nature has given rise to an element of public use.
11. Weighing these issues up I am not persuaded that denial of planning permission based on loss of local amenity greenspace is justified paying regard to the existing evidence of amenity value, the nature of the proposal, and the extent of grass verge that would remain.
12. Concluding on this main issue, the proposal would not have harmful effects on the character and appearance of the area or local amenity green space provision. There is no conflict with the development plan for the area, including Policies ENV21 & H12 of the Christchurch Local Plan, and Policies HE2, HE3 & KS1 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy.

### **Other Matters**

13. I have paid regard to comments from other interested parties, both in objection and support. Comments relating to the main issue have been considered as part of my conclusions elsewhere in this decision or are addressed by the conditions. Other comments do not affect the outcome of the appeal.
14. I am unable to afford weight to the need for the proposal or effects on private property interests as I must base my conclusions on planning merit. The wildlife value of the verge could be enhanced through new landscaping aimed at promoting more biodiversity that would be the subject of condition.
15. Precedent does not attract material weight as each proposal needs to be looked at on its own merits. Whether other regulatory regimes or private land rights would prevent implementation of the planning permission is a matter for consideration elsewhere.

### **Conditions**

16. I will consider conditions by reference to the numbering at the top of this decision. Where used, I have amended the wording of the conditions suggested by the Council, as appropriate, in the interests of clarity and effectiveness.
17. (2) is necessary in the interests of certainty. (3)(4)(5) are necessary to ensure a satisfactory standard of landscaping. (6) is necessary for the reasons discussed elsewhere in this decision.

### **Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*D R McCreery*

INSPECTOR