



Appeal Decision

Site visit made on 4 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/V1260/D/24/3336611

1 Durrington Road, Bournemouth, BH7 6PU

- 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 Mrs Brenda Cookey-Leeks against the decision of BCP Council.
 - The application Ref. 7-2023-28979, dated 14 August 2023, was refused by notice dated 18 October 2023.
 - The development proposed is erection of double slatted fence panel on top of existing brick wall.
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Decision

1. The appeal is allowed and planning permission is granted for erection of double slatted fence panel on top of existing brick wall at 1 Durrington Road, Bournemouth, BH7 6PU in accordance with the terms of the application, Ref. 7-2023-28979, dated 14 August 2023 and the plans submitted with it numbered: Location Plan (produced 14-Aug-2023); 1201 Rev.P01 (Pre-Existing Site Plan); 1201 Rev.P01 (Existing Site Plan); 1200 Rev.P01 (Pre-Existing and Existing Elevations).

Preliminary Matters

2. Since planning permission was refused a revised version of the National Planning Policy Framework (Framework) was issued in December 2023. Even so, the relevant policies of the Framework have not changed, albeit some of the paragraph numbering is different.
3. I have adopted the description of development from the application form but removed the words 'retrospective application' as this is superfluous and not an act of development.

Main Issue

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

Reasons

5. The appeal site is located on the corner of Durrington Road and Petersfield Road and comprises a detached chalet style property with gardens on three sides. The surrounding area includes similar style properties as well as larger detached two storey properties. The boundary of the host property to Petersfield Road comprises a low brick wall with hedging and planting. This low wall and hedging continues on the Durrington Road frontage up to the

pedestrian path that leads to the front door of the host. The low wall continues, on the other side of this path, for a distance of some 6 metres, with the first two metres comprising the low wall. The remaining 4 metres is formed by the low wall and timber double slatted fence above, which, together, extend to just under 2 metres in height. The brick wall then increases in height and extends a further 10 metres along this boundary. On top of this wall, is a narrow band of slatted fencing, with a combined height of just under 2 metres. At the end of this boundary is a pair of high wooden gates and a brick pier.

6. The appeal proposal involves the erection of the slatted fencing on top of the brick wall. The fencing is already in place, and planning permission is sought retrospectively for its retention. I understand that the high section of brick wall on the Durrington Road frontage was built more than 4 years ago and does not form part of the appeal proposal. Similarly, the timber fencing that has been erected above the brick wall on the rear boundary of the host, fronting the driveway of 3 Durrington Road and further fencing within the garden to the host, all just under 2 metres in height, also do not form part of the appeal proposal in that they are regarded as being permitted development.
7. Whilst I accept that the new slatted fencing has resulted in a change to the appearance of this part of Durrington Road, I am satisfied that the resulting impact on the character and appearance of the area would not be so significant or harmful as to justify the refusal of planning permission. The narrow band of slatted fencing, on top of the high brick, is some 280mm in height and as such the resulting increase in the height of this part of the boundary from this fencing is, in my view, negligible.
8. In relation to the larger area of slatted fencing, which sits on top of the low brick wall, this is set back some 2 metres from the pedestrian path to the host and extends for just over 4 metres to where it links with the higher brick wall and narrow band of slatted fencing. The extent (4 metres) of this slatted fencing is, in my view, modest and combined with the low brick wall its overall height of just under 2 metres is not excessive. Consequently, the impact on the character and appearance of this part of Durrington Road is also modest, and the fencing is not, in my view, overly prominent and neither does it create a fortress effect as alleged by the Council.
9. As I observed on my site visit and as is highlighted in the photographs included with the Appellant's Grounds of Appeal, there are a number of corner plots in the area that have similar height boundary treatments to that on the appeal site. An example of this is 2 Durrington Road, opposite, where the rear part of the garden is enclosed by a high dark brown timber fence. There are further examples along Durrington Road. Whilst the appearance of some of these boundary treatments is not of the same quality as the appeal proposal, there is no evidence before me to suggest that any of these examples have resulted in any harm to the character and appearance of the area.
10. Those frontages on Durrington Road that include low brick walls and hedging, as referred to by the Council, occupy plots that have a single frontage to the road, and where that boundary treatment relates to their front gardens only. Their context and orientation within the streetscene is, therefore, different to that on the appeal site. Even so, a large part of the boundary to the appeal site retains a combination of a low brick wall with hedging/planting, allowing views of the host property from Durrington Road and Petersfield Road. As the

Appellant also indicates, the design of the fencing will allow the hedging and planting to grow through. As I observed on site, the hedging and planting within the host garden already extends above the slatted fencing and as such it provides a green backdrop that is very visible within the streetscene.

11. Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (BLP), referred to by the Council, seeks, amongst other matters, to ensure that new development is well designed and that through its scale, siting, character and appearance, it is of a high quality that respects its surroundings. For the reasons set out above, I am satisfied that the retention of the slatted fencing does not conflict with the broad aims and objectives of this policy.
12. Part 3.9 ('Front Boundaries') of the Residential extensions: A Design Guide for Householders (September 2008) (Design Guide), also referred to by the Council, indicates that new boundary treatments should avoid creating a fortress effect where the front of the property can be seen from the street and that consideration be given to the common style of boundary treatments in the area. As I confirmed earlier, a large part of the hosts boundary comprises a low brick wall with hedging and planting, allowing views of the host property from surrounding streets. In relation to the slatted fencing, this effectively encloses the rear garden of the host giving it added security and privacy, and replicates similar boundary treatments found on corner plots throughout the area. Consequently, any conflict with the Design Guide would be limited and as it contains best practice guidance it should be applied flexibly having regard to a sites local context and the individual circumstances of the case. For these reasons, I am again satisfied that the retention of the slatted fencing broadly accords with the general guidance within the Design Guide.
13. Accordingly, I find that the retention of the slatted fencing accords with the broad aims and objectives of policy CS41 of the BLP, the Design Guide and the corresponding policies of the Framework.

Other Matters

14. Whilst concerns have been raised in relation to highway safety, visibility and access, there is no detailed evidence before me to suggest that any of these concerns would result in material harm. They are not matters that were raised by the Council in their reason for refusal and I also note that the Highway Authority did not comment on the application.

Conditions

15. The Council has not put forward any conditions. In view of this and given that planning permission is sought retrospectively, I concur with this approach and do not consider that any conditions are necessary or reasonable. However, for clarity, I have referred to the approved plans in the main part of my decision.

Conclusion

16. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR