
Appeal Decision

Site visit made on 22 May 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/V1260/W/23/3327019

28 Endfield Road, Christchurch, Dorset BH23 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Scott Assinder against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/22/0697/COU, dated 24 August 2022, was refused by notice dated 1 February 2023.
 - The development proposed is the change of use of grass verge to use as private garden and erection of a boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of grass verge to use as a private garden and erection of boundary fence at 28 Endfield Road, Christchurch, Dorset BH23 2HT in accordance with the terms of the application, Ref 8/22/0697/COU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Location/Block Plan and Existing and Proposed Elevations.
 - 3) No fencing shall be erected until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land to be retained and set out measures for their protection throughout the course of the construction phase.
 - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the erection of the fence; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. The description of development used in the heading and decision above has been taken from the appeal form and the council's decision notice, as it describes the development more precisely and comprehensively than that used in the application form.

Main Issue

3. The main issue is the effect of the change of use of the verge on the character and appearance of the area and local amenity/green space provision.

Reasons

4. The appeal property is a bungalow situated on the corner of Endfield Road and Crofton Close. There is a wide grass verge to the side of the property and also on the other side of the junction. The surrounding area has a mix of property styles and types with examples of bungalows and two storey properties.
5. Properties on Crofton Close follow a more consistent design with terraces fronting towards the head of the cul de sac and parking area. This area has a spacious feel with open front gardens and sections of grassed verge.
6. The character of Endfield Road differs from Crofton Close as it has a much less open feel. The majority of properties have a solid boundary treatment to their frontages. There are low walls with hedges or fences above as well as several examples of higher fences and walls which directly abut the pavement. The higher boundary treatments appear to be more common where a side elevation of a property is adjacent to the road. In these instances, where the corners of junctions where gardens are fenced in, openness is limited.
7. In the case of the appeal site the proposed change of use of the verge and erection of a fence would reduce the openness of the junction to some degree. However, a landscape strip would be retained between the edge of pavement and the fence. Furthermore, most of the fence, where it runs along the side of the property, would be only a metre in height, so open views across the site would be largely maintained.
8. The inclusion of a boundary treatment of this type and the enclosure of land in this way is not uncommon in the area and would not appear out of keeping. A degree of openness is retained and therefore the overall impact would be visually acceptable.
9. The property opposite the site, 32 Endfield Road, has had approval granted via appeal¹ for the change of use of the verge and the erection of a fence. Even with sections of both verges changed to garden use the junction would, because of the set back of the boundary fencing, still retain a level of openness which would be consistent with the character of the wider area. The partial enclosure of both sides would also result in a symmetrical approach to Crofton Close with a degree of openness remaining.
10. Interested parties have raised concerns that the change of use would result in the loss of local amenity greenspace. The site has no formal designation within the local plan as a public green space but the benefits of its openness and how this contributes to character have been considered. Given its size its value as usable open public space would be limited. There is also a recreation ground a very short distance from the site. The amenity value of the site is in the openness it provides and this would be sufficiently retained with the set back from the pavement and the low level of the proposed fence.

¹ Appeal reference APP/V1260/W/23/3324064

11. Overall, the change of use of part of the verge to a garden is not considered to harm the character and appearance of the area or local amenity green space provision. Therefore, there is no conflict with Policies ENV21 and H12 of the Christchurch Local Plan and Policies HE2, HE3 and KS1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy. In so far as these policies relate to design, amenity, landscape and wildlife along with Chapter 12 of the National Planning Framework which relates to well-designed places.

Other Matters

12. There are concerns regarding the removal of an oak tree planted on the site and the site's biodiversity. The tree concerned is not protected, however, it could be incorporated into the landscaping plan which is conditioned. The inclusion of a landscaping scheme would also provide an opportunity to enhance the biodiversity of the site.
13. Matters of highway safety have been raised with regards to visibility at the junction and cars reversing out of spaces on Crofton Close. In the absence of any objection from the Highway Authority or any further evidence it is not possible to conclude that there would be any harm in this regard.
14. In respect of the issue of the impact on property values it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
15. Interested parties have also raised concerns about the site being developed for flats. This appeal can only be determined on the facts of the case and not any future development options.
16. Reference has been made to the setting of precedent, particularly with regards to the other side of the junction. However, every case is assessed on its own merits. In any event permission has since been given for the change of use of the verge adjacent to No 32.
17. The council have raised the matters of the land being 'highway land' and that the street sign would need to be moved. These are not planning matters in this instance and would need to be resolved between the appellant and the council.

Conditions

18. The standard time limit is imposed as condition 1 and the approved plans as condition 2 in the interests of certainty.
19. A landscaping condition has been suggested by the council and this is considered necessary in the interests of visual amenity and biodiversity. The suggested wording of this condition has been adjusted and split into two separate conditions [3 and 4]. This will ensure that the requirement for new planting does not unreasonably delay the commencement of the development.
20. The Council suggests a condition requiring materials to be specified shall be as specified in the application. This condition is not necessary as those details are provided in the approved drawings and the proposal must accord with those details in any event.

Conclusion

21. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed subject to the conditions set out.

H Faulkner

INSPECTOR

