



Appeal Decision

Site visit made on 25 June 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal Ref: APP/V1260/D/24/3342433

4 Tower Road West, Poole, BH13 6LA

- 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 A Patel against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01348/F.
 - The development proposed is the erection of boundary fencing, pillars and sliding metal gate.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of boundary fencing, pillars and sliding metal gate at 4 Tower Road West, Poole, BH13 6LA in accordance with the terms of the application, Ref APP/23/01348/F, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out within 3 months from the date of this decision in accordance with the approved plans: Drg Nos 1666BR.100, 1666BR.113c, 1666BR.114a and 1666BR.115.
 - 2) All planting shall be carried out in the first planting and seeding season following the date of this decision; any plants which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matters

2. The application was made retrospectively. At the time of my visit horizontal close boarded wooden fence panels measuring 1.8m in height had been erected across the front boundary of the appeal site above a boundary wall facing Tower Road West, along with slightly recessed sliding metal gates across the driveway access to the property. I saw that the fencing had been covered with trellis and space in front had been planted with star jasmine plants (*Trachelospermum jasminoides*).
3. In addition, part of the plot's side return boundary along Buccleuch Road was enclosed by a similar 1.8m high fence above an original low wall.
4. The planning application explicitly sought permission for the erection of boundary fencing and pillars to a height of 1.4m above the walls to both road frontages, together with planting in front of each. The development which has

been carried out is not the same as that which was applied for. This is further made clear within the appellant's submissions where modifications to the existing development are clearly proposed. I have therefore considered the appeal based on the 'proposed' development as shown on the plans which accompanied the application.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the street scene, including the settings of The Avenue Conservation Area and the Chester Road Conservation Area.

Reasons

6. The appeal relates to a recently constructed dwelling of modern contemporary design occupying a corner plot on the south side of Tower Road West with a side return boundary to Buccleuch Road. The area is residential in character comprising an eclectic mix of property types ranging from traditional detached homes to more contemporary new developments. Immediately north of the appeal site is Forest Road. Approximately 60m from the Forest Road/Tower Road West junction is the southernmost boundary of the Chester Road Conservation Area, which extends further north from that point and away from the appeal site. The eastern boundary of the appeal site, which is shared in common with the locally listed No 6 Tower Road West, marks the boundary of The Avenue Conservation Area, which extends largely away from No 4 to the south and east. The topography of Tower Road West is such that land levels start to drop markedly in front of the appeal site when travelling west. As a consequence, there is around a 1.5m height difference between the front boundary wall of the appeal site at its eastern end next to No 6 and at its western extremity near to the junction with Buccleuch Road, where it is tallest.
7. During my visit I observed that the planting in front of the fencing along Tower Road West appeared semi-mature and healthy. It has created a soft and natural façade above the wall which effectively shrouds a significant proportion of the fence panels. Its presence demonstrated to me how planting in front of the fence was feasible, contrary to the Council's view. Based on the evidence available to me and my own observations, I have no reason to think that the planting would not continue to flourish.
8. Whilst the existing arrangement results in an increasingly dominant height of enclosure, terminating at almost 4m at its western extremity, the proposal would see this reduce by 400mm. I saw for myself a significant array of enclosure types locally, all set immediately at the back edges of the pavements. These range from simple tall hedgerows to exceptionally long stretches of tall close boarded fencing, including an example opposite No 4 and extending north along the east side of Forest Road, and lower walls of various heights and finishes with either fence panels or hedge planting above, or a combination of both. In almost every case there is an abundance of mature vegetation extending above and which tends to dominate any hard boundary. The result is an irregular mix which imparts a tight sense of roadside enclosure to the front boundaries of surrounding development whilst at the same time conveying a strong verdant quality overall to the surrounding street scenes. This established character in turn informs the immediate settings of both nearby conservation areas and the adjacent locally listed building.

9. Although the proposal at No 4 would not directly replicate the appearance of any other boundary, the lower walls to both road frontages are reflective of many others, and I am satisfied that the vegetation above to the Tower Road West frontage will mature further to provide a green and natural screen to the fence panels. The proposed planting to the Buccleuch Road frontage would achieve a similar result. The metal sliding gates are recessed and not prominent. The result would be two frontages which I consider would be neither stark nor oppressive, but which would simply add to the area's existing mix, and which would complement the contemporary looking architecture of the dwelling, which is openly visible within its surrounding context being set on higher ground relative to the levels along the adjoining highways.
10. Subject to the development being completed in accordance with the application proposal, I am satisfied that there would be no harm to the street scene. It follows that the settings of both adjoining conservation areas and that of 6 Tower Road West would be unaffected. I therefore find no conflict with Policies PP27 and PP30 of the Poole Local Plan 2018 as far as they seek to ensure that development reflects or enhances the local pattern of development and preserves or enhances Poole's heritage assets. For the same reasons I find no conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places and conserving and enhancing the historic environment.

Conditions

11. The Council has suggested conditions in the event I allow the appeal. I have considered these having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework.
12. As the proposed works are part retrospective it would be inappropriate to impose the standard time limit condition. A condition requiring the external surfaces of the development to match the existing building fails to recognise the nature of the proposal as a means for enclosing the appeal site.
13. The Council has suggested a condition which would require details of a landscape plan to be submitted and approved within three months from the commencement of the works. The works have already commenced and part of the landscape planting has been undertaken and to good effect. The plans show similar planting to the Buccleuch Road frontage. No further details are therefore necessary, although a strict timetable for the implementation of the remaining planting, and full implementation of the proposal in accordance with the submitted plans is necessary, in order to safeguard the character and appearance of the area. I agree with the Council that the residual planting should be carried out in the next available planting season, and that full compliance with the plans, which would necessitate the height of the fencing to be reduced, should be undertaken within three months, but from the date of this decision. For the same reason, the conditions that I have imposed require all the planting to be managed for a period long enough for it to become fully established.

Conclusion

14. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR