



Appeal Decision

Site visit made on 21 October 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Appeal Ref: APP/V1260/D/24/3348712

204 East Howe Lane, Bournemouth BH10 5JQ

- 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 Craig Pistaszczuk against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref is 7-2024-10618-D.
 - The development proposed is for the erection of new boundary treatment.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both the description of proposed works as set out within the planning application form and the decision notice of the Council refer to the scheme being a retrospective application for the erection of new boundary treatment. The fact as to whether or not the application is retrospective is not material to the determination of an appeal and does not constitute development in its own right. I have therefore simplified the description as set out above. Notwithstanding this, the railings, the subject of the appeal, were in situ at the time of my site visit and appeared to be erected in accordance with the submitted drawings. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

4. The site is located on a busy residential street with a variety of front garden boundary treatments including low walls and fences, sometimes in combination with hedges.
5. A series of black high vertical railings have been constructed along the roadside and immediate side boundaries of the front garden/driveway, in addition to a wide matching sliding gate. Whilst the area within which the appeal site is situated is an established suburban setting, the railings appear stark in their appearance particularly bearing in mind the quite verdant character of its immediate surroundings.
6. I appreciate that the appellant was not aware that planning permission was required to erect railings over 1m in height where adjacent to the highway

nonetheless the boundary treatment the subject of this appeal must be assessed on its own merits.

7. I note that the Council's document entitled 'Residential Extensions: A Design Guide for Householders' (2008) stipulates that the front of a house forms part of the first impression of a home so if the boundary treatment is poorly maintained with inappropriate fencing or railings it can have a significantly negative effect on the rest of a home. Whilst the boundary treatment that is in situ is most certainly not poorly maintained, nonetheless it does not constitute a common style within the road. The railings allow the front of the property to be seen through them, however whilst they may not give the impression of a 'fortress', they do appear rather like they enclose a secure compound, notwithstanding that a number of crime incidents had led to their erection, for which I sympathise.
8. The appeal property has had a variety of boundary treatments over the last five years, and that gates were provided in both the 2019 and 2021 images. Therefore whilst I acknowledge that the railings provide a more robust method of securing the site, they do not blend in with the surroundings.
9. I accept that the appeal site is the last dwelling in a row of dwellings along the western side of East Howe Lane, nonetheless the gate and railings are still highly visible within the street scene, even when approaching from the north east. I cannot agree that the boundary treatment currently makes a neutral contribution to the character and appearance of the area and therefore I consider that by reason of the design, height and material of the railings that they have a harmful effect upon the character and appearance of the area.
10. I acknowledge that the appellant would be willing to erect a low fence in front of the railings fronting the highway to soften the appearance of them, I am not entirely sure how that could be achieved with them being erected along the back edge of the public footway. Furthermore, in the absence of any drawings to identify precisely how that would work in practice, I am not convinced it would soften the appearance of the railings. Undoubtedly some low planting behind the railings would assist in softening their appearance, but nonetheless the first thing that passersby would still see would be the railings themselves. Therefore, in the absence of any alternative design solutions before me, I consider that it would not be appropriate to impose a planning condition in this respect, due to the uncertainty of an acceptable alternative proposal. I say this notwithstanding that I accept that the Local Highway Authority has raised no objection to the railings and gates in respect of matters of residential amenity.
11. Therefore, in spite of those elements that I have found in favour of the proposal overall I consider that the scheme has a harmful visual impact upon the character and appearance of the area and is contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy adopted October 2012 which stipulates that the Council will seek to ensure development and spaces are well designed and of high quality and that it should through its scale, siting, character and appearance be designed to respect the site and its surroundings.

Conclusion

12. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey INSPECTOR