
Appeal Decision

Site visit made on 26 November 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2024

Appeal Ref: APP/B1740/D/24/3347016

8 Elmwood Avenue, Fordingbridge, SP6 1DN

- 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 Paul Harding against the decision of New Forest District Council.
 - The application Ref is 24/10142.
 - The development proposed is described as 'removal of an existing brick retaining wall approx 0.8m in height as its maximum and laurel hedge (3m internal height) and replacement with 2x3m concrete gravel boards, concrete posts and 1.8m high close board fence panels giving a total internal height of 1.9m maximum (2.4m external maximum) reducing to internal height of 1.2m (1.5m external) at front of property. The replacement retaining wall and fence has 3 outside boundaries with the public highway and the fence, concrete posts and retaining gravel boards will reduce in height from the northwest corner further from property to the front of the property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matter of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a large corner plot on Elmwood Avenue with three boundaries facing the road. The front boundary of the property is demarcated by a low brick wall with an established hedge behind. Whilst there are examples of other boundary treatments, the frontages along Elmwood Avenue are predominantly characterised by low brick walls and planting. This positively contributes to the verdant suburban character of the street scene.

5. The proposed fence due to its design, height, length and siting would appear stark and imposing amongst the characteristic planting and low boundary treatments in the road. Despite the proposal being small in nature, the impact of the fence would be particularly imposing given its prominent position in the road and the considerable length of the boundary.
6. Whilst the proposed fence would be lower than the existing hedge, the loss of a verdant feature, and its replacement with a solid fence would fail to respect or enhance local distinctiveness. Even if the fence weathers over time, the use of traditional timber would be incongruous in the context of frontages along Elmwood Avenue, as boundary fencing is not characteristic of front facing boundary treatments in the street scene.
7. Examples of boundary treatments up to two metres in height are referenced. The side boundary at 21 Elmwood Avenue, is the flank elevation of an extension. Whilst there is a section of fencing that extends beyond it, this is relatively short and has vegetation growing above and draping over it, which softens its appearance. The wall at the corner of Elmwood Avenue and Brympton Close is also a short section and in a less prominent location than the proposed fencing. The fence along the path linking Falconwood Close to Downwood Close is a private access off Downwood Close, as such, it does not form part of the street scene unlike the appeal site. As a result, these examples are not wholly comparable to the development before me and do not justify a planning permission.
8. Whilst the vegetation in the garden close to the hedge would appear above the fence line; this would not negate the stark appearance of the fence. It is suggested that further planting could be conditioned but the plans denote that the fencing would be erected on the boundary. As such it is unclear if there would be space for planting in front of the fence line to soften its appearance.
9. For the reasons identified above, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. The development is therefore contrary to Policy ENV3 of the New Forest Local Plan 2016-2036 Part One: Planning Strategy, in so far as it requires new development to respect and enhance local distinctiveness.

Other Matters

10. The appeal site is not within a designated area, but this does not negate the need to respect or enhance local distinctiveness.
11. Due to the property having a higher ground level than the footpath, a lower fence would fail to provide privacy and security. However, it has not been demonstrated that the existing arrangement fails to provide privacy and security and therefore this would not justify the proposal.
12. Reference is made to Paragraph 135 of the Framework and the aim of achieving well designed places. Whilst the proposed fencing would be neat and tidy and would create a safe garden environment, it would also fail to add to the overall quality of the area and would therefore be contrary to the Framework.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR