



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: 07 January 2025

Appeal Ref: APP/B1740/D/24/3346960

1 Lockerley Close, Lymington, Hampshire SO41 8ER

- 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 & Mrs Townsend against the decision of New Forest District Council.
 - The application ref is 24/10122.
 - The development proposed is described as a 'boundary fence and planting'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the development was completed on the 26th January 2024. During my visit, I noted that the boundary fence erected accords with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

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 corner plot on Lockerley Close accessed from Newenham Road. The site comprises a detached dwelling which lies in a small estate of detached properties with a similar design. The property sits centrally within the corner plot with the main garden areas positioned either side of the dwelling.
5. The Lymington Local Distinctiveness SPD 2011 refers to the appeal site lying within Character Area Six, an area that has low front boundary walls allowing gardens to offer a very green and pleasant communal amenity. The frontages along these roads are characterised by low stone walls with planting behind. The uniformity of boundary treatments combined with their verdant nature, positively contributes to the character and appearance of the area.
6. The recently erected fence of 1.5m height is a stark addition to the street scene and erodes the uniformity and verdant nature of the boundary treatments along surrounding roads. The incongruous nature of the fence is exacerbated by it being erected on top of the stone wall and its solidity, height and length on this prominent corner failing to respect and enhance the local distinctiveness of the street scene.

7. Whilst the site is a corner plot with its garden areas adjacent to the footpath, this would not justify the design or position of the erected fence. In contrast, other properties on corner plots in the road retain the verdant character of the area whilst also enclosing private garden areas to the side of the properties.
8. Moreover, whilst the appellant advises that an immediate solution was required and the former arrangement was neither secure nor private, it has not been demonstrated that modifications to this arrangement, or alternative solutions more in keeping with the prevailing character and appearance of the area, could not achieve the scheme's purported aim of providing security and privacy.
9. Whilst treating the fence with a dark finish would improve its appearance, it would not negate the harm arising from the uncharacteristic form, height and length of the boundary treatment.
10. Holes have been created in the bottom of the fence for planting to grow through to soften its appearance. Whilst the appellants sought advice from a landscaping company and the plant selection is appropriate, the Council's landscape architect has advised that it would not be feasible to expect adequate coverage from climbers poked through the holes drilled in the fence. I have no reason to disagree with this view and consider that conventionally, more substantial planting would be required in front of a fence to soften its appearance, as opposed to poking through it. This is the nature of other boundary treatments in the locality.
11. Reference is made to 37 Rookes Lane at the junction with Newenham Road. Whilst also being a corner property with close boarded fencing, unlike the appeal site, the fence is positioned behind the wall and there is substantial planting in front of it. As a result, the majority of the fence is screened, and the low stone wall retains its prominence. As such, this example is not wholly comparable to the development before me and does not justify a planning permission in this instance.
12. For the reasons identified above, I conclude that the development has had 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 (NFLPPO) in so far as it requires new development to respect and enhance local distinctiveness.

Other Matters

13. The appellant refers to appeal reference 3259396. This appeal relates to a raised platform on a site in the Green Belt required to provide safe access for a disabled child. The development that is the subject of this appeal is not comparable to the appeal scheme. Additionally, I do not know the planning circumstances nor precise location of the example given and, in any event, each scheme must be considered and determined on its individual merits.
14. The appellants daughter has a protected characteristic for the purposes of the Public Sector Equality Duty (PSED). In determining this appeal, I have had due regard to the PSED under the Equality Act 2010 and its aims to (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct (b) advance equality of opportunity between persons who share a relevant protected characteristic and do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15. The appellants have indicated that their daughter requires regular access to a private garden area. Whilst the current arrangement meets this need, there does not seem to be any reasons in the evidence why alternative solutions more in keeping with the prevailing character and appearance of the area could not achieve the same aim. Having regard to this matter, I attach limited weight in favour of the appeal scheme to the personal circumstances of the appellant's daughter.

Conclusion

16. For the reasons given above, the development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. With reference to the PSED, I consider that my decision to dismiss the appeal is proportionate.
17. I therefore conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR