



Appeal Decision

Site visit made on 11 March 2025

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/V1260/D/25/3359367

7 Leven Avenue, BOURNEMOUTH, BH4 9LH

- 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 Teymourzadeh Baboli against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-16916-B.
 - The development proposed is demolition of existing boundary wall fronting Leven Close and erection of new boundary wall/fencing - Existing unauthorised.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.
3. At the time of my site visit works had commenced at 7 Leven Avenue. The works appear to have been completed broadly in accordance with the submitted plans, however, the plans suggest that the UPVC slats and render would be coloured brown rather than the grey colour which is currently in situ. In the interests of clarity and for the avoidance of doubt I have determined the appeal on the basis of the submitted plans.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the Meyrick Park and Talbot Woods Conservation Area (CA).

Reasons

5. The appeal property is a two-storey detached house situated on a large corner plot at the junction of Leven Avenue and Leven Close. The appeal site is situated within the Meyrick Park and Talbot Woods Conservation Area (CA).
6. The area is characterised by detached two-storey dwellings set within spacious and verdant grounds. Properties in the area are set well back from the road behind front garden areas and mature trees and planting. Though there is some variety in terms of the specific designs; boundary treatments in the area are generally low-

level walls and fencing with greenery above or hedges creating a sense of softness. The materials used in respect of the boundary treatments in the area have a green and natural character and appearance. The mixture of vegetation and boundary treatments make a positive contribution to the character and appearance of the CA.

7. The proposal is for a an approximately 25m stretch of between around 1.8 and 1.9m high rendered concrete and UPVC faux wood open slatted boundary fencing on the Leven Close side of the property. The plans indicate that the UPVC would be coloured brown, however, the appellant is also clear that, should an alternative colour, be deemed more suitable, then they would be happy to accommodate this. The works have been carried out, albeit with a different colour palette, and the evidence before me indicates that this section of boundary treatment was previously a low stone wall topped with vegetation which matched the extant section in Leven Avenue.
8. The proposed fence would have hard, smooth, straight contemporary lines which would not assimilate well with the softer, more natural, character and appearance of the existing boundary treatments in the area. The expanse of fence would appear as an incongruous and stark addition to the area. Even painted an alternative colour, the materials used would maintain their hard lines and would appear as a UPVC and concrete structure in an area where materials such as this are not commonplace. Though the appearance of the fence would be somewhat softened by planting within the front garden area, this would not be to such an extent to mitigate the harm I have identified.
9. I acknowledge the appellant's desire to install a boundary that they consider would provide additional security and privacy. However, in my view, these aims could be achieved through an alternative scheme which would sit comfortably within its context and would not cause harm to the character and appearance of the area.
10. The appellant has drawn my attention to other boundary treatments which they consider similar to the scheme before me. In any event, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical. The examples provided by the appellant are not visible in the immediate context of the appeal site. Many of the other examples also differ from the appeal proposal as they are constructed of more natural, timber, materials and not UPVC, many are of a more discreet colour palette and a number are of a considerably lower level. Others serve to illustrate that changes of this type can indeed cause harm to the character and appearance of the area and should not excuse further unsuitable development.
11. For the reasons set out above, the proposal would cause harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. Due to the small scale of the proposal the harm to the CA would be less than substantial.
12. The approach in the National Planning Policy Framework (the Framework) is that where a proposal would lead to less than substantial harm to a heritage asset, as in this case, that harm should be balanced against the public benefits of the proposal. I have identified that the proposal would fail to preserve or enhance the character or appearance of the area and as such would not meet the statutory requirements set out in s72 (1) of the Town and Country Planning (Listed Buildings

and Conservation Areas Act) 1990 and would cause harm to the significance of the heritage asset. The Framework indicates that great weight should be given to a heritage asset's conservation. Accordingly, the public benefits of the scheme do not outweigh the harm identified.

13. The proposal would, therefore, fail to accord with Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy, adopted October 2012 (CS) which seek to ensure that all development and spaces are well designed, enhance the character and local distinctiveness of an area and protect designated heritage assets from demolition, inappropriate alterations, extensions or other proposals that would adversely affect their significance.
14. The proposal would also be at odds with Policy 4.4 of the Bournemouth District Wide Local Plan, 2002 which states that development proposals in Conservations Areas should preserve or enhance the character or appearance of the area.
15. Furthermore, the proposal would fail to conform with the Framework's expectation that new development within the setting of heritage assets should seek opportunities to enhance or better reveal their significance. The Framework also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. The proposal would fail to achieve these aims.

Conclusion

16. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR