



Appeal Decision

Site visit made on 23 January 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/V1260/D/24/3354600

52 Queens Park Avenue, Bournemouth, Bournemouth Christchurch and Poole, BH8 9EY

- 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 Neil Deeks (Chapelgate Group) against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-22114-G.
 - The development is described as 'New timber fence to existing boundary wall (Existing unauthorised)'.
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Decision

1. The appeal is allowed and planning permission is granted for new timber fence to existing boundary wall at 52 Queens Park Avenue, Bournemouth, BH8 9EY in accordance with the terms of the application, Ref 7-2024-22114-G, and the plans numbered 24:69/101 and 24:69/102, subject to the following conditions:
 - 1) Unless within 2 months of the date of this decision a scheme for the staining of the fence, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval of that scheme, the sections of fence fronting Queens Park Avenue and the junction with Burnham Drive shall be removed until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the sections of fence fronting Queens Park Avenue and the junction with Burnham Drive shall be removed until such time as a scheme approved by the local planning authority is implemented. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
 - 2) Unless within 2 months of the date of this decision a planting scheme for the proposed hedging, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the first planting season following the local planning authority's approval of that scheme, the sections of fence fronting Queens Park Avenue and the junction with Burnham Drive shall be removed until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the sections of fence fronting Queens Park Avenue and the junction with Burnham Drive shall be removed until such time as a scheme approved by the local planning authority is implemented. Any trees or plants which within a period of 5 years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A timber fence has been constructed and appears to be in accordance with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
4. In the decision above, I have omitted wording from the description that does not refer to an act of development, for clarity.

Main Issue

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

Reasons for the Recommendation

6. The appeal site is a prominent corner plot on the junction of Queens Park Avenue and Burnham Drive. Queens Park Avenue is characterised by a large number of tall boundary treatments at the front of properties, with solid panel fencing and hedging both commonly found. The fence at the appeal property is of similar height to other fences along Queens Park Avenue. Although Burnham Drive is home to predominantly low front boundary treatments, I note that the development has extended a previous fence of the same height on the Burnham Drive side of the property. Furthermore, the orientation of the appeal property means that the fence along Burnham Drive is in effect a side boundary rather than a frontage. It is therefore seen in a different context to those properties which front Burnham Drive.
7. In this context, the height of the development respects the surroundings of the site on both road frontages. Although there is some sense of enclosure when stood next to the fence, this is not unusual along Queens Park Avenue. Moreover, due to rising ground levels, the property can still be seen above the fence from the street and so the development has not created a fortressing effect.
8. Most of the fences along Queens Park Avenue are made of timber and sympathetically blend into the environment through a combination of dark paintwork or staining, and hedging. The fence at the appeal property currently stands out in the street scene due to its untreated finish, whilst a former hedge has also been removed, so the fence does not blend in. As it stands, therefore, the development does not respect the surroundings in its appearance, nor does it enhance local distinctiveness or character.
9. Nevertheless, this harm can be resolved through conditions. Staining the fence a darker colour would reduce the prominence of the solid timber panels and ensure

that it is more respectful of the surrounding area in its appearance. This would be consistent with the Council's approach to a similar development at 40 Queens Park Avenue.

10. The appellant plans to plant new hedging that will exceed the height of the fence. Hedging would help to sympathetically blend the fence into the local environment and, together with the staining, would ensure that the development respects local surroundings and contributes positively to the public realm. Therefore, I recommend the imposition of conditions for staining and landscaping.
11. Consequently, subject to the conditions set out above, the development would not harm the character and appearance of the area. It therefore accords with Policy CS41 of the Bournemouth Local Plan Core Strategy (adopted 2012) which seeks to ensure that all development be well designed and of high quality. The development also does not conflict with the Supplementary Planning Guidance Residential Extensions: A Design Guide for Householders (adopted 2008) insofar as it seeks to avoid development creating a fortress effect where the front of the property cannot be seen from the street.

Other Matters

12. Although those objecting have commented their preference for the appeal property's previous front boundary treatment, I have limited details of this in front of me. The appellant has stated that the hedgerows were mostly diseased and, in any case, this planting has now been removed. As such, I can only assess the development before me.
13. I have noted concerns that this development could establish a precedent in the area for breaches of the maximum one metre from ground level. However, that restriction refers to what is allowed under permitted development for fences adjacent to the highway. Taller boundary treatments adjacent to the highway require planning permission. The appellant is seeking planning permission and so the scheme must be determined on its individual merits. It is in the Council's control to enforce against any such breaches where planning permission has not been obtained.
14. It has been raised that the permitted development height for fences adjacent to the highway is designed to combat safety concerns on the highway. Given the wide visibility splay created by the angled frontages and wide pavements at this junction, I am satisfied that the increased height of this fence has not harmed the safety of the highway in this area.

Conditions

15. Conditions 1 and 2 are recommended to ensure that required details of staining and hedging are submitted, approved and implemented so as to make the development acceptable in planning terms. There are strict timetables for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the staining and hedging before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met.

16. I have also considered the Council's suggestion for a condition requiring the development to be carried out in accordance with the approved plans. However, as the development has already been completed, this is not necessary.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR