



Appeal Decision

Site visit made on 19 May 2025

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/D1265/D/25/3363437

25 Ashley Drive North, Ashley Heath BH24 2JN

- 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 Michael & Mrs Irene Stacey against the decision of Dorset Council.
 - The application Ref. is P/HOU/2025/00312.
 - The development proposed is for 1.8m wooden feather board fencing with concrete posts.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the fence, the subject of the appeal, had been erected. I note that the appellants provided a comprehensive description of the proposed works and in the interests of brevity, the Council sought to simplify it. The appellants did not object to the change, however the retention of the fence does not constitute an act of development in itself and therefore I have omitted "Retain a" from the description of the proposal as set out within the banner heading above.

Main Issue

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

Reasons

4. The appeal site is situated within a low density residential area of an Arcadian nature; front boundary treatments vary within the locality with some examples of walls, railings and fences, although hedging and shrubbery tends to predominate.
5. The appeal site is located to the south east of the southern arm of Ashley Drive North to where it forms a loop; consequently it has 2no public facing boundaries rendering them as highly prominent in the street scene.
6. I note the other examples of fencing that have been cited by the appellants and, whilst ultimately each case must be assessed on its own merits, they do demonstrate to me how they lack the sensitivity of the natural boundary treatments which contribute to the verdant character of Ashley Drive North.
7. No objection was raised by the Local Highway Authority and the Council has not raised issues with regard to the proposal's impacts upon the living conditions of

surrounding residents. I acknowledge that the appellants erected the fence in good faith without realising that an application for planning permission was required for it, further I accept that domestic hedgerows are exempt from the requirements of the Hedgerow Regulations and therefore no offence was caused by the removal of the previous hedging. Nonetheless it falls upon me to determine the proposal that is before me, notwithstanding that a fence or wall up to 1m in height could be deemed Permitted Development.

8. I understand that the previous cypress hedge was in poor condition, but that does not mean that it could not have been replanted or replaced with other vegetation and by virtue of its overall length and height I find that the fencing provides a hard urban edge that is stark in its appearance, appearing as an engineered solution in contrast to the natural soft landscaping that prevails within the vicinity. I accept that the fencing would weather over time, however, as evidenced by some of the photographs of other fences, it would also likely deteriorate over time and I am not convinced that painting it dark green would sufficiently mitigate its overall visual presence. Quite clearly, the appellants are entitled to privacy, especially to their rear garden area, but that does not necessarily mean that a fence has to be erected on the back edge of the public footway or for the whole length of the northern or western boundaries; therefore I am not convinced that this proposal is the only way of achieving that aim.
9. Consequently, I find by virtue of the height and siting of the timber fencing that it causes demonstrable harm to the character and appearance of the area and conflicts with Policy HE2 of the Christchurch and East Dorset Core Strategy 2014 which requires development to be of a high quality, reflecting and enhancing areas of recognised local distinctiveness and also stipulating that development will be permitted if it is compatible with or improves its surroundings in terms of a number of criteria, including layout, architectural style, scale, height, materials, landscaping and visual impact.

Conclusion

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

C J Tivey

INSPECTOR