



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: 02 June 2025.

Appeal Ref: APP/V1260/D/24/3353096

21 Cleveland Gardens, Bournemouth, BH1 4QF

- 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 Tony Gurban against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-29182.
 - The development proposed is described as 'fence enforcement drawings and proposed extensions / alterations to main house'.
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Decision

1. The appeal is allowed and planning permission is granted for fence and extensions/alterations to main house at 21 Cleveland Gardens, Bournemouth, BH1 4QF in accordance with the terms of the application, Ref 7-2024-29182, and the plans numbered P001, P002, P003, P004, P005, P006, P007, P008, P009, P010, P011, P012, P013 and P014, subject to the conditions in the following schedule.

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 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 this part of the development has already taken place.
4. I have removed wording that does not refer to acts of development from the description of development in the decision above.

Main Issue

5. The main issues are the effect of the development on the character and appearance of the area and highway safety.

Reasons for the Recommendation

Character and appearance

6. The appeal site is a prominent corner plot on the junction of Cleveland Gardens and Cleveland Road and belongs to an area made up of different development uses. Whilst Cleveland Gardens is residential in character, Cleveland Road is more mixed, and the appeal property sits next to a vehicle repair garage. To one side of

the appeal property there is an alleyway that leads directly to Holdenhurst Road, a commercial area with shops, services, and takeaways.

7. As part of this varied character of development locally, different styles of boundary treatment can be found in the area. On Cleveland Gardens, although some properties have low-level hedging and fencing, an example of tall hedging and fence panels can be found at No. 2, directly opposite the appeal site. On Cleveland Road, the garage stands tall close to the highway, with a large metal gate located to the side. The rear elevation of this large garage backs out into the alleyway next to the appeal property, which is also enclosed by the tall concrete walls found at the rear boundary of properties on Holdenhurst Road. There are therefore a number of tall boundary treatments of different styles present in the area, with examples found around each side of the appeal property.
8. The fence on the Cleveland Road and alleyway sides of the appeal site is taller than on the side facing Cleveland Gardens, but the design of the upper part allows for some visibility through it. It is consistent with the height of other boundaries along the alleyway and, in the context of the height of the adjacent garage, does not appear out of place along Cleveland Road. Along Cleveland Gardens the fence is modestly taller than the fence it replaced, but not dissimilar to the height of the fence and hedge opposite.
9. Most of the property can still be seen above the fence from both neighbouring roads, so no fortressing effect has been created by the development. Although the metal nature of the fence is somewhat unusual, the green colour is sympathetic to both the hedging in the nearby area and the green finish to windows and gutters found on the appeal property. For these reasons, the development is not unduly prominent in the street scene and respects the surroundings of the site.
10. The Council has raised no objections to the extensions and alterations proposed to the dwelling. From the plans and the information provided, I conclude that these elements would not harm the character and appearance of the area, subject to use of matching materials.
11. Consequently, the development as a whole does not, and 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) (the Core Strategy) which seeks to ensure that all development be well designed and of high quality. It is also compliant with the Council's document Residential Extensions: A Design Guide for Householders (adopted 2008), insofar as it seeks appropriate boundary treatments and good design that maintains or enhances the site and its setting.

Highway safety

12. The Council's second reason for refusal related to the proposed removal of a parking space on the site and the resulting impacts on highway safety in a road subject to parking stress. The appellant has now said in their appeal statement that they would be open to the provision of a car parking space within the appeal site. This would meet the expectation of the Council's Parking Standards Supplementary Planning Document (adopted 2021) for properties in Zone B with four or more bedrooms to provide one parking space for residents and visitors. Provision of a parking space would also return to the position found previously, where there was one parking space on site, so would not add to existing parking stress in the area.

13. The appellant seeks to improve their limited garden space, and the submitted site plan indicates an area of grass in the location where I saw a car parked at the time of my visit. I see no reason however why such an area could not be landscaped so as to be usable for both car parking and as amenity space when a car was not parked there. Therefore, I recommend a condition requiring landscaping details to be agreed, and to secure the provision and retention of a parking space.
14. However, with the taller, gated access of the fence so close to the highway, retention of the parking space with the current fence height and layout would impair visibility onto Cleveland Gardens and endanger those using the highway. The Highway Authority has suggested this could be resolved by provision of visibility splays and the appellant has stated that they are open to amendments to overcome the issue of visibility. If the gated access were either set back from the highway or at a reduced height, as the appellant suggests, I am satisfied that the identified harm would be resolved. Such a change would be minor in nature and would not prejudice any interested parties, and therefore, I am satisfied that it can be secured by condition.
15. Therefore, subject to the conditions set out above, the development would not harm highway safety and would be compliant with Policy CS16 of the Core Strategy and with the Parking Standards.

Conditions

16. In addition to the conditions mentioned above, as there are parts of the development that have not yet been carried out, I recommend a condition requiring that the extensions and alterations be carried out in accordance with the relevant approved plans, in the interest of certainty. Plans and materials conditions are not necessary with respect to the fence, as it has already been constructed.
17. Condition 4 is recommended to ensure that details of the required visibility splays are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable 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 visibility splays before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion and Recommendation

18. 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

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to the conditions in the following schedule.

L McKay

INSPECTOR

Schedule of conditions

- 1) The extensions and alterations to the existing dwelling hereby permitted shall be carried out in accordance with drawing numbers P003, P005, P007, P008, P010, P012, P014.
- 2) The external materials of the extensions and alterations to the existing dwelling hereby permitted shall match those used in the existing building.
- 3) Construction of the extensions hereby permitted shall not commence until details of the landscaping of the garden area and provision of one parking space within the appeal site have first been submitted to and approved in writing by the local planning authority. The landscaping shall be completed in accordance with the approved details within the first planting season following first use of the extensions hereby permitted. The parking space shall be provided before the extensions hereby permitted are first brought into use, and shall thereafter be retained and made available for the parking of vehicles.
- 4) Unless within 3 months of the date of this decision a scheme for the provision of visibility splays of 2 metres (m) by 2 metres at the vehicular access, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 4 months of the local planning authority's approval, the fence along the boundary of the appeal site with Cleveland Gardens shall be removed until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the fence along the boundary of the appeal site with Cleveland Gardens shall be removed until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, the 2m by 2m visibility splays approved shall be kept free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter. 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.