



Appeal Decision

Site visit made on 22 October 2025

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/V1260/W/25/3370433

70A Heathwood Road, Bournemouth, Dorset BH9 2JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Sam Firmin against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 7-2024-15936-L dated 18 October 2024, was refused by notice dated 14 February 2025.
- The application sought planning permission for change of use from ancillary attached to Beauty Salon (Sui Generis) to a 2-bedroom dwelling (C3) without complying with conditions attached to planning permission Ref 7-2023-15936-K, dated 28 June 2023.
- The conditions in dispute are Nos 3 and 5 which state that:
 - 3) The existing vehicular crossover (dropped kerb) fronting the site at Bengal Road, adjacent to the boundary with no. 70 Heathwood Road, shall be reinstated with full height kerbs, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.
 - 5) The fenced enclosure/planter and planting shall be provided to the front forecourt area as shown on the approved plans in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.
- The reasons given for the conditions are:
 - 3) In the interests of highway safety and in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).
 - 5) In the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form details the property address as number 70 Heathwood Road. The application form, the Council's decision notices, and the plans all refer to number 70A Heathwood Road. For consistency with the evidence and in accordance with the address on site, I have used no 70A in the heading above.
3. The appellant has included their company name on the appeal form, but has confirmed that the appeal should proceed in their name. Accordingly, the heading above only refers to the appellant's name, which remains as per the application form.
4. The fencing configuration shown on the amended plans was in place at the time of my site visit, and the application form confirms that the development has been

completed. I have determined the appeal on that basis, under section 73A of the Town and Country Planning Act 1990 (as amended).

Background and Main Issues

5. Planning permission was granted in June 2023 for the change of use of the appeal property to a dwelling. The appellant then applied to vary that permission in 2024, seeking to carry out the development without complying with condition 3 which required the reinstatement of full height kerbs at the previous vehicle crossover point. They also sought to amend the fenced enclosure details that would be implemented under condition 5. The Council refused that application, on the grounds of highway safety in respect of condition 3, and the effect of the amended fenced enclosure on the character and appearance of the area in respect of condition 5
6. The main issues are therefore:
 - whether condition 3 is reasonable and necessary in the interests of highway safety; and
 - the effect of the variation of condition 5 on the character and appearance of the area.

Reasons

Highway safety

7. The appeal site fronts on to Bengal Road and Withermoor Road at a junction with several joining streets including Fernside Road and Heathwood Road. To the front of the site, a stretch of dropped kerb provided a vehicle crossover from Bengal Road to an area of private parking within the site. The permitted development enclosed the appeal site frontage and removed the private parking area, rendering the vehicle crossover redundant.
8. Bengal Road into Withermoor Road forms a busy route in a densely populated residential area, with high volumes of vehicular traffic. I also observed parked cars further along both roads affecting the passage of cars on the carriageway, and restricting access to the footway. The existing dropped kerb to the front of the appeal site creates a levelled access point to the carriageway. With a similar vehicle crossover on the opposite side of the road serving a private parking area, this feature presents an apparent crossing point between the footways, encouraging pedestrians and other footway users to cross the road or enter the carriageway in this location.
9. The gentle curve of the road restricts visibility of approaching traffic, particularly when crossing the road towards the site and exiting the carriageway via the dropped kerb. Given the limited visibility, the high levels of traffic, and the high likelihood of pedestrians or other footway users identifying this as an established crossing point, the retained dropped kerb leads to an increased risk of conflict between vehicles and other highway users. As such, while there would be little aesthetic change resulting from its reinstatement, its retention would significantly compromise highway safety.
10. The appellant identifies that the dropped kerb is regularly used by residents with mobility issues, and therefore has community value. However, there are dropped

kerbs for pedestrian crossings at the entrance to Fernside Road and Heathwood Road close to the appeal site. These provide levelled access to the highway and safe navigation of the footway and road junctions in this area, without the inherent safety conflicts of the appeal site crossover. The presence of safe alternative crossing points in proximity to the appeal site reduces the weight I afford to the wider community benefit of providing carriageway access to pedestrians and other users with restricted mobility.

11. I am also mindful of the comments of the Local Highway Authority which identify that the changes in levels associated with redundant vehicle crossovers often result in a difficult walking environment, particularly for elderly or disabled users, or those with young children or mobility aids. The evidence does not lead me to disagree with these findings.
12. I therefore conclude that condition 3 is reasonable and necessary in the interests of the safety of users of the highway. The development without this condition would adversely affect public safety. As such the condition requirements accord with Policies CS18 and CS41 of the Bournemouth Local Plan Core Strategy (2012) (the Core Strategy). Amongst other matters, these policies seek to ensure that new development contributes positively to safety of the public realm, and is well integrated with cycling and walking networks. The condition also accords with the aims of paragraphs 115-117 of the National Planning Policy Framework (the Framework), which seek to avoid unacceptable impacts on highway safety, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

Character and appearance

13. Property frontages in this area are often open to accommodate parking, with some frontages partially or fully enclosed. While there is variation in boundary enclosures, unifying features are low brick or stone walls, low fencing, and planting. Where taller boundaries are present for privacy or security, they typically contain a combination of these treatments without large expanses of single materials. The condition and approved plans would secure a low level fenced enclosure, with planting behind and visible above the fence. This would reflect the fenced boundary at no 70 Heathwood Road, and several nearby properties where ornamental garden planting is prominent.
14. The installed fence is a stark addition to the street scene as a result of its large scale and uniform appearance, contrasting with the more varied character of this area. Located on a prominent corner junction, a large part of the fence is visible over a considerable distance on the approach from Bengal Road. By being erected hard to the edge of the pavement, the fence creates a jarring, harsh boundary, harming the character and appearance of the area. While the evidence indicates that the approved landscaping is in place and its biodiversity value is maintained, this planting is not visible behind the taller fencing and therefore does not contribute to the public-facing appearance of the boundary.
15. While the previous plot contained a short stretch of similar fencing, this was set back from the pavement edge, and did not form a prominent feature in the street scene. Its past presence does not therefore provide a clear justification for the visually harmful fencing now installed.
16. The appellant identifies that the fencing provides privacy to the external space and ground floor bedroom windows of the appeal property. However, this function

could be provided with the approved fencing and planting grown to a suitable height above this, as is apparent in several nearby properties. Moreover, in a densely developed urban context, some degree of overlooking between dwellings and the public realm is unavoidable. During my site visit, nearly all of the nearby properties utilised blinds or net curtains in the ground floor windows, providing privacy to occupiers despite their open aspect to the street scene. I see no reason why a similar solution, particularly when combined with the approved frontage enclosure, could not provide adequate levels of privacy in this instance.

17. The appellant also highlights that the area enclosed by the fence was previously neglected and subject to anti-social behaviour, and that the new fence has improved the security and appearance of this area. However, the approved boundary treatment would similarly have brought the area under active management and provided a physical barrier to anti-social behaviour. There is no compelling evidence to suggest that the approved scheme would not have provided acceptable security of the site. Moreover, while the taller fence protects the planting from littering or damage, such concerns are not apparent elsewhere in this area, where planting is growing successfully on property boundaries in the public realm. I therefore afford limited weight to these benefits.
18. Taking all of the above into account, I conclude that the boundary fencing as installed unacceptably harms the character and appearance of the area. The variation of condition 5 to reflect the plans showing this boundary arrangement would therefore be in conflict with Policy CS41 of the Core Strategy. Amongst other matters, this policy seeks high quality development which respects the site and its surroundings, contributes positively to the appearance of the public realm and enhances character. There would also be conflict with the Framework at paragraph 135 where it seeks development which is sympathetic to local character, including the surrounding built environment.

Other Matters

19. There is disagreement between the parties over whether the development meets the Council's parking standards under Policy CS16 of the Core Strategy. However, as the contested conditions do not concern parking standards, this matter does not carry weight for or against this appeal, and I have not considered it further.

Conclusion

20. For the reasons given above the appeal should be dismissed.

K Jones

INSPECTOR