



# Appeal Decision

Site visit made on 8 May 2007

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Date: 11 May 2007

## Appeal Ref: APP/H0738/A/07/2037306

### 7 Kielder Close, Billingham, TS22 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Robinson against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/3484/FUL, dated 15 November 2006, was refused by notice dated 9 January 2007.
- The development proposed is described as application to vary condition 2 of application 05/0239 - relocation of fence.

### Procedural Matters

1. The planning application was submitted in the form of an application to vary a condition of a previous planning permission, requiring development to be in accordance with the approved plans. However, the Council is of the view that the proposal constitutes development outside the terms of the original permission and has therefore determined it as an application for full planning permission. I have no reason to disagree with the Council's stance and have therefore determined the appeal on this basis. At the time of my visit the proposal was in place.

### Decision

2. I dismiss the appeal.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

### Reasons

4. 7 Kielder Close is part of an "open-plan" residential cul-de-sac. In my view the openness of the unbounded front gardens is an attractive and important element in the character and appearance of the locality.
5. The proposal fence bounds the side and rear of the appeal property. However, due to the layout of properties in the close, the fence also partly encloses the front garden of the adjacent property, no 9 Kielder Close. Given this, and its prominent position next to the turning-head, I consider that the proposal harms the open front garden character and appearance of the area. I therefore find that it conflicts with policy GP1 of the adopted Stockton-on-Tees Local Plan