



STOCKTON-ON-TEES BOROUGH COUNCIL

STOCKTON BOROUGH COUNCIL
PLANNING
19 11 2007
COUNCILLOR M E WOMPHEY
97 Whitehouse Road
Billingham
TS22 5AT
Tel. No. (01642) 555755

Local services for local people

Mr Simon Grundy,
Development & Neighbourhood Services,
Planning Services,
Stockton-on-Tees Borough Council,
Gloucester House,
Church Road,
Stockton-on-Tees.
TS18 1TW.
Date 09/07/2007.

STOCKTON BOROUGH COUNCIL Planning & Environment	
11 2007	
PASS TO	INITIALS
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FILED	
ACTIONED FILE	

Revised planning application 07/1646/REV.
The erection of a 1.8m high boundary fence, 7 Kielder Close, Billingham.

The original planning application 05/0239/FUL for the erection of a single storey lounge extension, garage and 1.8 meter high screening fence was approved in June 2005 (site plan enclosed) The fence was subsequently erected at variance to the application. Application 06/3484/FUL asking for retrospective approval for the variances was refused (site plan enclosed) with the applicant going to an appeal which was dismissed (copy of the appeal document enclosed).

The enclosed site plans are self explanatory as are the comments within the appeal inspector's report which states "7 Kielder Close is part of an open – plan residential cul-de-sac" and concludes by saying, "I consider the harm to the character and appearance of the area to be of overriding importance" and for that reason alone the proposal should not be allowed.

I understand that the revised application 07/1646/REV is at variance to the original (site plan enclosed) because the applicant does not want to go to the trouble of relocating illegally erected fence posts – is this a planning consideration? and if the revised application was to be approved with a condition for soft landscaping who would enforce that condition and would it be reasonable and practicable to expect that condition to be enforced?

To conclude. I object to any variation to the original planning application for the reasons stated in the appeal decision letter and see no acceptable reason why any variation should be approved. I am also of the opinion that a site visit is required for Members to fully understand the situation.

Councillor Michael Womphrey
Billingham West Ward.



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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

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
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(SLP) which sets criteria against which new development is to be assessed, including its appearance and relationship with the surrounding area.

6. The appellant has referred to examples of a number of other fences/walls in the wider area. However, the majority of these define the side of properties on corner positions and do not bound the front of dwellings in the way the appeal property does. Whilst I note that the example referred to in Hawkstone Close encloses the front of a dwelling, I do not consider the existence of this fence good reason to allow the appeal given the harm the proposal causes to the character and appearance of the locality.
7. I appreciate that the fence was erected to aid security and to prevent dog fouling problems and that the new owner of no 9 has no objections to the proposal. However, I do not consider that these matters outweigh the harm I have identified the proposal causes.
8. I recognise that, to a small degree, the fence restricts visibility for drivers of vehicles leaving the drive of either no 9 or no 11 Kielder Close. However, given the speed at which I anticipate vehicles would be travelling at the head of the cul-de-sac, I do not consider that this would give rise to any significant pedestrian or highway safety problems. I therefore find that the proposal has no conflict with policy GP1 of the SLP, with regard to its requirement to assess the proposal in relation to the provision of satisfactory access. However, notwithstanding this conclusion I consider the harm to the character and appearance of the area to be of overriding importance and for that reason alone the proposal should not be allowed.
9. For the above reasons, and having regard to the views of local residents and all other matters raised, I conclude that the appeal should be dismissed.

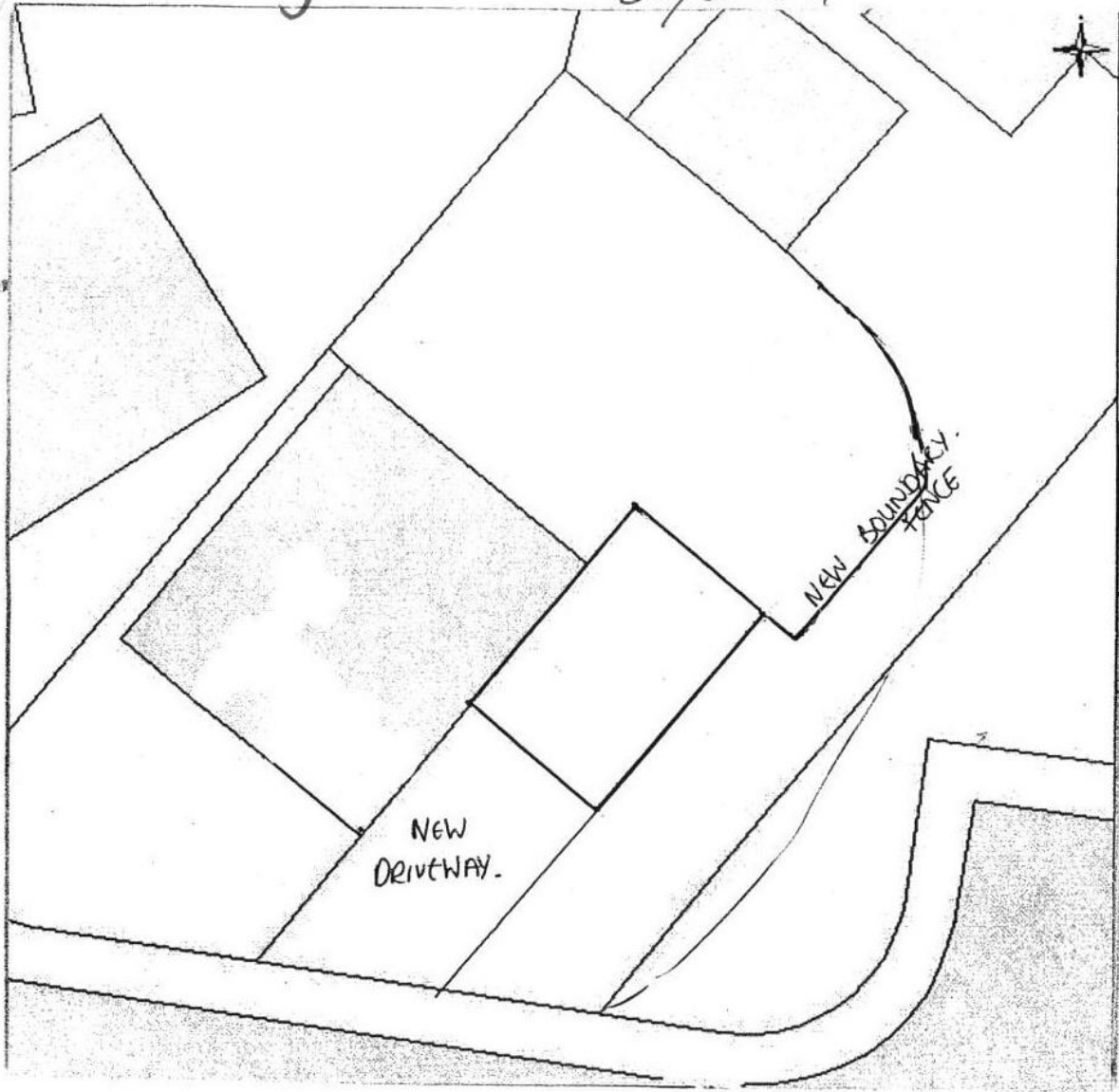
Malcolm Rivett

INSPECTOR

Original.

05/0239/FUL

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PROPOSED SITE PLAN

SCALE 1:200 0239/

7 KILDER CLOSE
BELLINGHAM.

STOCKTON BOROUGH COUNCIL
PLANNING
- 9 JUN 2005
DATE RECEIVED

SBLO05

05/0239/ --

STOCKTON-ON-TEES
BOROUGH COUNCIL
APPROVED
PLAN
HEAD OF PLANNING
& ENVIRONMENT

Refusal.

06/3484/FUL



15

06/3484/---

PROPOSED SITE PLAN.

SCALE 1:200.

AMENDED PLAN

7 KILDER CLOSE
BELLINGHAM.

 STOCKTON-ON-TEES BOROUGH COUNCIL
REFUSED PLAN
HEAD OF PLANNING & ENVIRONMENT

STOCKTON BOROUGH COUNCIL
PLANNING
15 NOV 2006
DATE RECEIVED

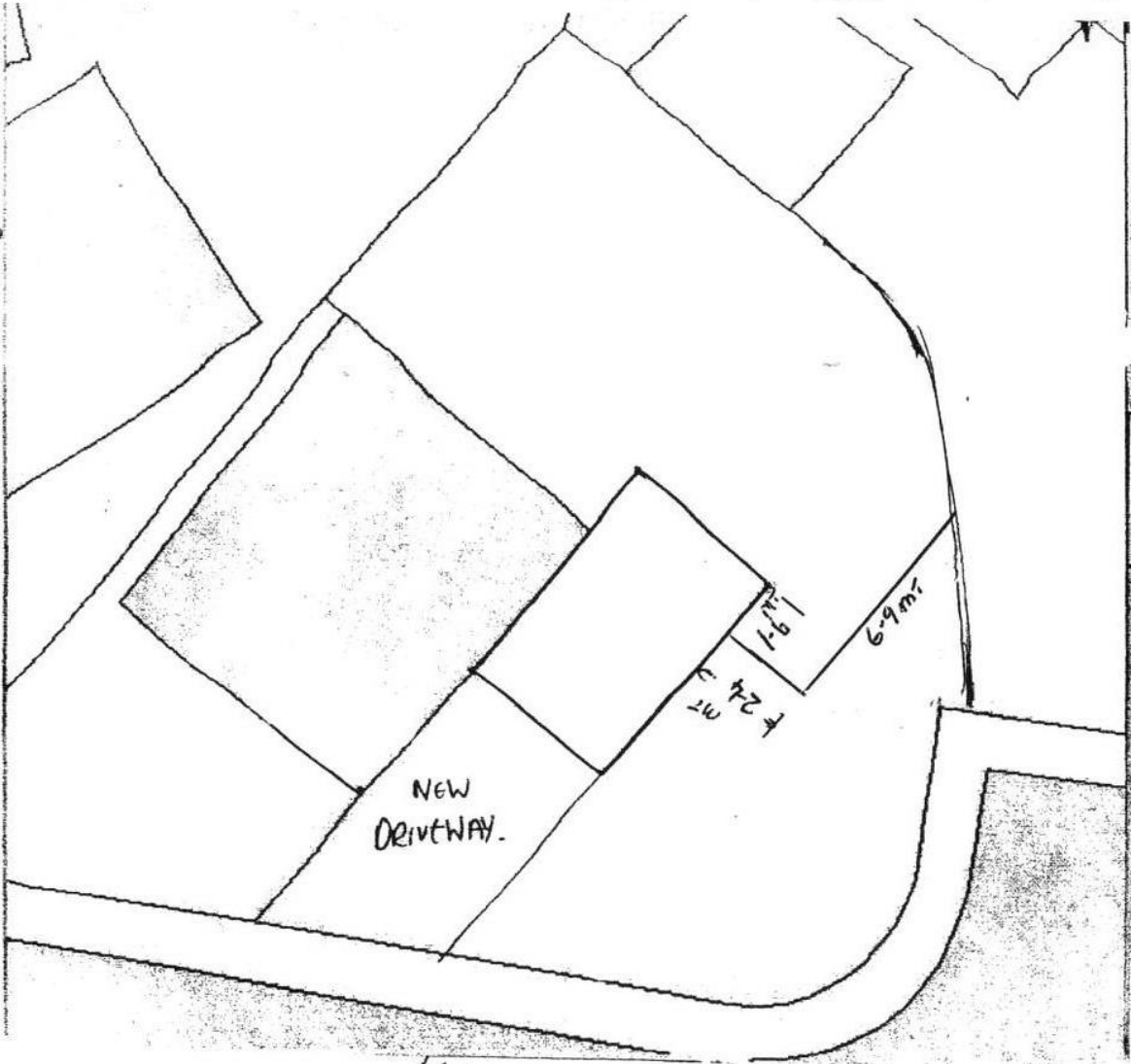
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07/1646/REV



KIELDER CLOSE

SCALE 1-200

SBC 0002

STOCKTON BOROUGH COUNCIL
 PLANNING
 - 6 JUN 2007
 DATE RECEIVED

07/1646/REV.
 07/1646/--