



Appeal Decision

Site visit made on 4 September 2007

by **Susan Heywood BSc(Hons) MCD**
MRTPI

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

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Date: 7 September 2007

Appeal Ref: APP/H0738/A/06/2033433

7 Emsay Close, Ingleby Barwick, Stockton-on-Tees, TS17 0PY

- 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 Miss S Dodds against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/2132/FUL, dated 30 June 2006, was refused by notice dated 24 August 2006.
- The development proposed is the relocation of boundary wall to enlarge garden.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in relation to this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The development would involve the enclosure of an area of open space with a boundary wall / fence and its use as private garden and driveway for the property at No. 7. Whilst the appeal site is in private ownership, visually it forms part of a wider area of open space which was planned as part of the construction of the surrounding housing development. The area of land to the side of No. 7 forms an important part of the open space as it provides a visual and physical link from Emsay Close to the remainder of the open space to the south. The proposed development would enclose a substantial amount of the land at a point where the open space is already narrow and enclosed by property boundaries. This further enclosure would create an undesirably narrow entrance to the open space from Emsay Close and would harm the appearance of the wider area of open space. In addition, when viewed from the south, the enclosure would project into the otherwise open area and would have a discordant appearance. I note the appellant's desire to widen the driveway to the property, however, I am not satisfied that the current proposal provides an appropriate balance between that desire and the need to protect the surrounding open space. I acknowledge the appellant's comments relating to the maintenance of the area. However, it is not unusual for parts of open land to be within private ownership and perceived difficulties in maintaining such areas do not necessarily provide grounds for enclosing them. The appellant has referred to other similar developments on areas of open space. I

am not aware of the background to these other developments and cannot therefore comment upon them. In any case, the existence of other developments on different sites would not necessarily justify allowing a development which is unacceptable in its own right.

4. For the reasons given above I conclude that the proposed development would harm the character and appearance of the surrounding area of open space and it would therefore be contrary to policy GP1 of the Stockton-on-Tees Local Plan. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Susan Heywood

INSPECTOR