



Appeal Decision

Site visit made on 18 September 2007

by **J D S Gillis BA(Hons) MRTPI**

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

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Decision date:
25 September 2007

Appeal Ref: APP/H0738/A/07/2046454

5 Fountains Avenue, Ingleby Barwick, Stockton-on-Tees, TS17 0TX

- 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 H B Hassan against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0719/FUL, dated 3 April 2007, was refused by notice dated 8 May 2007.
- The development proposed is erection of 1.524 metre high boundary fence.

Decision

1. The appeal is dismissed.

Reasoning

2. The proposal seeks to enclose an area of land within the curtilage of the appeal premises, which are situated on a corner site in a modern housing estate where boundary enclosures to street frontages are generally absent or provided by low walls or fences and/or hedges. Some of the land to be enclosed within the proposed boundary fence has maturing trees and shrubs, together with an existing fence of similar height behind. The section of the site towards the front of the house is laid down to lawn.
 3. I consider that the main issue in this case is the effect of the proposed fence on the character and appearance of the street scene.
 4. The site is very prominent and the maturing vegetation forms a significant element in the street scene. Thus not only would the proposed fence, due to its location, form and height, be prominent and intrusive in the generally open aspect of the street, it would also obscure existing landscaping that is important to the street scene.
 5. In these circumstances I consider that the location, form and height of the proposed fence would result in very significant harm to the character and appearance of the street scene, contrary to policy GP1 of the adopted Stockton-on-Tees Local Plan. This policy, amongst other things, seeks to ensure that the external appearance of development, and its relationship with the surrounding area, is acceptable.
 6. I note that the Appellant states that the land proposed to be enclosed is subject to trespass and disturbance due to the open nature of the site. However, in my inspection of the surrounding area I observed that such
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problems appear to have been resolved elsewhere by much less obtrusive boundary enclosures.

7. I also inspected the fence at 7 Hayburn Close, referred to by the Appellant, but consider that the circumstances of that site are significantly different to those of the appeal site. At Hayburn Close the approved fence forms a continuation of the fence of the adjoining dwelling, is far less prominent in the street scene and has a different relationship to the overall layout, character and appearance of the area.
8. Neither these nor any of the other matters raised are sufficient to outweigh those that have led to my decision. I conclude that the proposed fence is unacceptable.

Formal Decision

9. I dismiss the appeal.

JDS Gillis

Inspector