



## Appeal Decision

Site visit made on 6 December 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:  
19 December 2007

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### Appeal Ref: APP/H0738/A/07/205423

#### 43 Leonard Ropner Drive, Hartburn Dale, Stockton-on-Tees, TS19 7QG

- 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 C S Maule against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2023/FPD, dated 2 July 2007, was refused by notice dated 29 August 2007.
- The development proposed is retrospective request to build a low containment wall to level front garden.

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#### Preliminary matters

1. The development proposed had already commenced prior to the submission of the application for planning permission and includes a low brick wall together with piers, with wrought iron fencing between, around the four sides of the front garden. The appeal submission indicated that the fencing and brick piers could be deleted and the wall restricted to a lower height. While such revisions were reported to the Council they did not form part of the formal consideration of the application. My role is restricted to determining an appeal against the Council's formal decision.

#### Decision

2. I dismiss the appeal.

#### Main issue

3. From the representations received and my inspection of the site and surrounding area I consider that the main issue in this case is the effect of the boundary enclosure on the character and appearance of the street scene.

#### Reasoning

4. The street scene has been developed with open frontages and I understand that a condition of the planning permission for the residential development sought to prohibit the erection of boundary enclosures to the front of the individual properties. This restriction has been maintained with the exception of the appeal premises and the street scene is characterised by an open landscape, with some hedge and shrub planting, providing an attractive and coherent appearance. The hedge and shrub planting that has been carried out in other front gardens does not conflict with the soft landscape treatment of the street scene, whereas the proposal would result in a hard landscape feature
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that would be contrary to the established character and appearance of the street scene. Constructed boundary enclosures are essentially limited to the side and rear of the private open amenity spaces of dwellings in corner locations.

5. I consider that while the completed enclosure on the appeal site would be quite low it would present an intrusive and disruptive element in this attractive open landscape street scene, and would result in significant harm to its character and appearance. Even if amended as suggested by the Appellant I consider that it would still represent an intrusive and alien feature that would disrupt the integrity of the street scene.
6. I note that the stated purpose of the wall is to enable the front garden to be levelled. However, the gradient at the appeal site does not appear to be significantly different to most other properties on this side of the street in the vicinity of the appeal premises. Furthermore, from my inspection of the surrounding area I am not aware that such gradient results in significant problems of layout, cultivation or maintenance of the front garden areas.
7. The Council has also indicated that the proposed development would result in a precedent that would make it difficult to resist the erection of other boundary enclosures to the front gardens, thus increasing the harm to the street scene. While precedent by itself is rarely sufficient to warrant the refusal of planning permission I agree that in this instance it is a legitimate concern and adds to the other harm I have identified.
8. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I conclude therefore that the proposed development would conflict with policies GP1 (i), (iv) and (viii) and HO12 of the adopted Stockton-on-Tees Local Plan and is unacceptable. Hence the appeal is dismissed.

*J D S Gillis*

Inspector

