



Appeal Decision

Site visit made on 22 April 2008

by **J S Deakin FRICS**

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.gov.uk

Decision date:
30 April 2008

Appeal Ref: **APP/H0738/A/08/2065226**

24 Beale Close, Ingleby Barwick, Stockton-on-Tees TS17 0RU

- 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 Derek Arnett against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/1754/FPD, dated 29 May 2007, was refused by notice dated 31 August 2007.
- The development proposed is the erection of a fence to the side of the property between Nos. 24 and 22 Beale Close (retrospective).

Decision

1. I dismiss the appeal.

Main issue

2. I consider that the main issue is the visual impact of the fence upon the character and appearance of the surrounding area.

Reasons

3. Beale Close is part of a modern housing estate which was originally laid out with open-plan front gardens. Over the years, some hedges, fences and walls have been introduced but the estate has, to a large extent, retained its open-plan appearance. The Council says that the brick walls and wooden fences were erected without planning permission; these have been investigated and are considered to be exempt from any enforcement action because of their age.
 4. The end of the new fence is within about 2.4m of the footpath and is clearly visible from the road. It appears as a stark feature in the street scene and has a much more obtrusive appearance than the low hedges and shrubs in other front gardens. Consequently, it detracts from the openness of the surrounding area.
 5. The appeal fence is very similar to the long-standing fence between Nos. 20 and 22 Beale Close but, as that fence was erected without planning permission, I do not regard it as a material consideration of significant weight. I appreciate that the appellant may feel that it is unfair that neighbours, who put up fences and walls in the past without planning permission, were not enforced against
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by the Council. Nevertheless, the existence of unauthorised fences does not set a valid precedent for allowing the appeal fence.

6. I conclude that the fence causes unacceptable harm to the street scene and to the character and appearance of the surrounding area, contrary to Policy GP1 of the adopted Stockton-on-Tees Local Plan 1997.

JS Deakin

INSPECTOR