



Appeal Decision

Site visit made on 6 February 2009

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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



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Decision date:
5 March 2009

Appeal Ref: APP/H0738/A/08/2090264

64 Meridian Way, Stockton-on-Tees, Cleveland, TS18 4QH

- 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 Brian Green against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/2466/COU, dated 18 August 2008, was refused by notice dated 7 November 2008.
- The development proposed is described as change of use of land at the rear of 64 Meridian Way from Class Sui Generis to Class C3. Erection of 1.8m fence to enclose the area to form part of existing garden.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues of the appeal are the effect of the proposal on anti-social behaviour and crime and on the character and appearance of the area.

Reasons

3. Considered in isolation of the similar development adjacent to it, which I understand does not have planning permission, the appeal scheme, which was in place at the time of my visit, reduces the depth of the identified landscape area by around 25% and would create a 90 degree angle corner in the estate's rear fence line. Given that the area immediately behind most parts of the estate's boundary fence is not readily visible from the houses and that the resulting corner-area of concern to the Council would be clearly open to view from the west and south, I am not persuaded that the scheme would create conditions likely to result in a significant increase in the potential for anti-social behaviour or crime.
4. With the scheme in place around 7-8m depth of the landscaping area remains, which is comparable with that in a number of other locations around the estate, including the area to the rear of the garages immediately adjacent to the appeal site. This would not directly affect the informal footpath route, nor, to any material degree, the ability to provide trees/planting in the landscaping area. I consider, therefore, that the scheme would be unlikely to significantly undermine the wildlife habitat value of this area or its role in screening the housing development. Contrary to the concerns of the Council I am satisfied that permitting this scheme would not set a precedent for proposals to enclose much larger areas of the landscaping belt, likely to significantly reduce its

wildlife habitat/screening role. However, I agree with the Council's view, as set out in its officer's report, that the 'organic', relaxed zigzag style, fence line of the estate is an important element of the character and appearance of the area surrounding the development and it can be clearly appreciated from the footpath passing through the landscaped area. The 90 degree angle in the fence line created by the appeal scheme, in the absence of the similar development adjacent to it, would be entirely out of keeping with the original fence line of the housing development and would, in my view, cause significant harm to the character and appearance of the area surrounding the estate.

5. In accordance with policy GP1 of the adopted *Stockton-on-Tees Local Plan* I have assessed the proposal in relation to the desire to reduce opportunities for crime and its external appearance/relationship with the surrounding area. Whilst I have found that no significant effect would be caused in terms of crime, material harm would be likely to result in terms of its appearance and its effect on the character of the surrounding area.
6. I recognise that the neighbouring property, no 62, has implemented a similar development and that, together with the appeal scheme, the 90 degree external angle in the fence line is eliminated. Moreover, although the zigzagging of the garden boundaries in the vicinity of nos 62 and 64 is lost to some degree, the overall length of straight fence created is comparable with that elsewhere around the estate. However, although I consider that minimal harm is caused by the presence of the two developments together, it remains the case that planning permission has not been granted for the scheme at no 62, the present fence arrangement is one of several which have existed at this property and the appellant has indicated that there is an ongoing dispute over land ownership in connection with this particular garden extension. Given the harm I have found that the appeal scheme alone would cause, and that there is, at present, no certainty as to the long term fence arrangements at no 62, I conclude that it is inappropriate to, in isolation, grant permission for the proposal before me. Furthermore, and notwithstanding the appellant's comments about precedents, if I were to allow this appeal, the Council would be likely to find it difficult to resist similar proposals for isolated garden extensions which disrupt the 'organic' fence line of the estate, exacerbating the harm caused to the character of the area by the appeal scheme.
7. Reference is made to railings which have been erected elsewhere on the estate although these primarily bound a road, rather than rear gardens, and I am not persuaded that they are comparable with the appeal proposal. I note the advice the appellant received from his solicitor and I appreciate that Mr Green owns the land he is seeking permission to enclose and that it adds significantly to his enjoyment of his property. However, this does not justify the scheme given the harm it, in isolation, would cause. I have considered the appellant's more general comments concerning instances of crime and anti-social behaviour in the area although it appears to me that the scheme would be likely to have neither an adverse nor positive effect in this regard.
8. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett INSPECTOR