



## Appeal Decision

Site visit made on 26 October 2009

by **Anthony Lyman BSc(Hons) DipTP  
MRTPI**

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

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Decision date:  
10 November 2009

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**Appeal Ref: APP/H0738/A/09/2110164**  
**57 Nevern Crescent, Ingleby Barwick, Stockton-on-Tees, Cleveland, TS17  
5EX**

- 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 Mrs Charlotte Howard against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/3266/REV, dated 18 April 2009, was refused by notice dated 15 June 2009.
- The development proposed is i) the erection of new fence and gates in front of garage and to side of property, ii) increased height of current fence to the south to 1.8m from 0.5m on the right side of driveway, iii) Increased height of current fence to the north to 1.8m from 1.5m.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. The fencing and gates to which this appeal relates have already been erected and the application was made retrospectively.

### Main issues

3. The main issue relating to this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal property is a modern detached house on a corner plot, with its southern, side gable facing Nevern Crescent. Between the house and the road there is a detached garage set back approximately 4m from the house facade. A tall brick wall surrounds two sides of the rear garden and ends level with the front elevation of the garage. Originally, a fence between the wall and the garage and a gate between the house and the garage, enclosed the rear garden. The appellant has removed these and enclosed the space in front of the garage with a 1.8m high close boarded fence alongside the pavement and a similar fence with solid gates level with the facade of the house. The height of the northern boundary has also been increased to 1.8m. The appellant is now seeking retrospective permission for these gates and fences.
  5. The surrounding housing estate is mainly open plan with little in the way of boundary treatments to the front of the houses. Several houses have rear or
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side garden walls abutting pavements and some have fencing running from the front elevation to detached garages. However, none of the examples I viewed on my site visit were as substantial or as visually intrusive in the street scene as the appeal development. 57 Nevern Crescent is in a prominent position and the gates and the 1.8m high front fence, which together, are approximately 6m wide, are particularly dominant and incongruous in the street scene. The small increase in the height of the northern boundary fence has no adverse effect on the appearance of the area.

6. Policy GP1 of the Stockton-on-Tees Local Plan sets out ten criteria against which development proposals need to be assessed. Although the appeal development satisfies many of them, it substantially fails to accord with criterion 1, due to the detrimental visual impact that the extensive fencing has on the appeal property and the appearance of the surrounding area. Furthermore, Planning Policy Statement 3 – Housing (PPS3) advocates high standards of design in residential development and states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. The appeal development is inappropriate in the context of this open plan estate and detrimental to the quality of the area and therefore does not comply with the provisions of PPS3.
7. The appellant argues that the fencing is necessary to provide a safe play enclosure for her young daughter who is partially sighted and suffers from a rare medical condition which makes her sensitive to sunlight. It is stated that the fencing and the garage provide shaded areas for outdoor play. However, whilst I have a great deal of sympathy for the appellant and her daughter, I am not convinced that these arguments justify the fencing.
8. The enclosure that has been created is on the south side of the house and the 1.8m high fence would not provide full shade in this very sunny area. There are no windows overlooking this area other than a rear door and therefore there is little 'line of sight' for the parents as suggested as desirable in the supporting letter from Action for Blind People. Furthermore, I have been provided with no explanation as to why the enclosed east facing rear garden, which has the potential to be shaded by trees, and is overlooked by the rear windows and patio doors of the house, does not provide adequate, secure outdoor play space.
9. The appellant further argues that the enclosure improves security for their detached garage. However, there are similar situations throughout the estate and I attach little weight to this argument which could set a precedent for further visually intrusive fencing and gates.
10. I conclude that the fencing and gates, that have been erected to create an enclosure on the south side of the property, have a significant adverse effect on the character and appearance of the area. Therefore, for the reasons given and having had regard to all other matters raised, in particular the needs of the appellant's daughter, I dismiss the appeal.

*Anthony Lyman*

INSPECTOR