



Appeal Decision

Site visit made on 22 March 2010

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

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

The Planning Inspectorate
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Decision date:
8 April 2010

Appeal Ref: APP/H0738/D/10/2122662
26 Rimswell Road, Fairfield, Stockton-on-Tees, TS19 7LJ

- 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 Miss Jacqueline Pinniger against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/2447/FUL, dated 12 August 2009, was refused by notice dated 24 November 2009.
- The development proposed is wood construction fence to enclose side and rear of above property, providing adequate security to garden.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue of the appeal is the effect of the fence on the character and appearance of the street scene.

Reasons

3. The area around the appeal property is predominantly characterised by low front garden walls and fences giving the street scene an attractive, open appearance. The fence, which is the subject of the appeal, was in place at the time of my visit. It is almost 2m high and extends for some 23m along the side boundary of the property, immediately adjacent to the footway of Fairwell Road, in addition to lengths of it running perpendicular to the road to enclose the property's side and rear garden.
 4. The height and enclosing effect of the fence are out of keeping with the largely open character of the street scene and the harm caused is exacerbated by the length of the fence and its prominence when viewed both from the Rimswell Road/Fairwell Road junction and when travelling westwards along Fairwell Road. I am not convinced that staining/painting the fence would significantly reduce the harm it causes, nor do I consider that it is acceptable as a temporary measure until the adjacent hedge has grown. In accordance with policy GP1 of the *Stockton-on-Tees Local Plan* I have assessed the scheme in relation to its appearance and its relationship with the surrounding area and have found that significant harm is caused.
 5. Reference is made to two other nearby fences/walls, at the junctions of Fairwell Road with Welldale Crescent and with Harwell Drive. However, neither of these is the length of the appeal scheme, nor are they in as prominent a position. The appellant also refers to a number of other similar fences, although these
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are some distance away and do not, in my view, form part of the appeal property's street scene. Nor do I have any evidence to suggest that they have been granted planning permission in recent years. Consequently, I consider that the existence of these other fences does not justify the scheme before me.

6. I appreciate that no 26 has a relatively unusual corner position and I sympathise with the appellant's wishes to improve the security of her garden, particularly for the sake of her children. I have also noted the reported comments of the local crime prevention officer and a local councillor. However, I am not persuaded that a fence of the extent constructed is necessary to provide a secure area of garden in which the children could play. I have also noted the comments about privacy and that several local residents are reported to be supportive of the fence, although I do not consider these to be good reasons to allow the appeal given the harm I have identified that the scheme causes.
7. For the above reasons I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR