



Appeal decision

Site visit made on 3 April 2012

by **Mike Croft MA DipTP MRTPI**

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

Decision date: 13 April 2012

Appeal ref APP/H0738/C/12/2168544

1 Moor Park, Eaglescliffe, Stockton-on-Tees, TS16 9HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Stockton-on-Tees Borough Council.
 - The appeal is made by Mr Scott Donaldson.
 - The Council's reference is 10/0431/EWKS.
 - The notice was issued on 9 December 2011.
 - The breach of planning control as alleged in the notice is the erection of a 1.8 metre high close boarded wooden boundary fence to the side of the property between the property and Sunningdale Drive and adjacent to the public highway.
 - The requirements of the notice are (in summary) to (i) remove the fence currently situated on the land between the property and Sunningdale Drive and relocate it back to its original position before the breach took place; (ii) restore the land enclosed by the side boundary fence back to the condition it was before the breach took place; and (iii) remove from the land the resultant debris/materials associated with points (i) and (ii) above.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended.
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Decision

1. I dismiss the appeal, uphold the enforcement notice, and refuse planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Inspector's reasons

2. The main issue is whether the fence in its present position harms the appearance of the street scene.
3. There are a number of modern detached or semi-detached houses, like the appeal property, with side boundaries to Sunningdale Drive. Some have close-boarded wooden fences approaching 2 m high, like that in question in this case, facing Sunningdale Drive. Some of those fences are located to leave space for a grass verge or landscaped strip, but others, like the appeal fence on the south side of Sunningdale Drive, have been erected

immediately adjoining the footway. The appeal fence is an extended replacement for a fence at the appeal property that was located about 1 m further back to allow space for a grass verge.

4. Like the Council, I consider that the appeal fence is obtrusive in its present position. Although it is unexceptional in its own design terms and is indeed very similar in design to the side fence at the house immediately to the east (2 Turnberry Avenue), the location of the latter fence allows space for a grass verge. Although that verge is narrow it makes a considerable difference to the perception of the fence within an area where, as the Council points out, open plan frontages predominate. The absence of a verge where the appeal fence has been erected produces a more harsh effect.
5. Both the Council and the appellant refer to other fences close by facing Sunningdale Drive. The Council emphasises the position at 1 Dinsdale Drive, where it granted retrospective permission for a 1.8 m high fence 1 m from the footway on the northern side of Sunningdale Drive, but subject to a condition requiring shrub planting within the strip of land between the fence and the footway. That, in the Council's view, would soften and reduce the fence's visual impact, and I agree that that is indeed its effect.
6. The appellant, on the other hand, draws attention to two houses with side fences on the southern side of Sunningdale Drive where there has been no similar requirement for a planting strip. I take this to be a reference to the side fences which immediately adjoin the Sunningdale Drive footway at 15 Moor Park and 1 Rushmere Heath. I consider these fences visually unsatisfactory for the same reasons as I find the appeal fence visually unsatisfactory. The Council provides no explanation of why, bearing in mind their objection to the appeal fence, these fences have been allowed.
7. My decision – whether to allow the appeal fence or to reject it – is bound to result in a visually inconsistent pattern of fence location on this part of Sunningdale Drive. However, viewed narrowly, because I find the appeal fence in its present location visually harmful (as explained in paragraph 4 above), I am drawn towards rejecting it. Simply put, this particular part of Sunningdale Drive would have a more satisfactory appearance with the side fence at the appeal property in its earlier position than in its present position. I could well have been drawn to a different conclusion if fences in this part of Sunningdale Drive were to have displayed an overwhelmingly prevalent pattern of being immediately adjacent to the footway, but they do not.
8. I have given careful consideration to the appellant's particular reasons for wanting the fence where it is now. He says that it avoids the problem of dogs urinating and defecating on the strip of grass that previously existed; he says it means that ball-playing against the side of his house can no longer occur; and he says that his dogs can no longer slip out on to the road. However, any anti-social behaviour ought in my view to be tackled in ways that do not include the harmful addition to the street scene that the appeal fence constitutes, and I do not see why a close-boarded fence at the appeal property has to be located as it is now to ensure that the appellant's dogs do not stray.

9. On that basis, my conclusion is that the appeal must fail.

Mike Croft

Inspector