



Appeal Decision

Site visit made on 23 July 2012

by **George Arrowsmith BA, MCD, MRTPI**

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

Decision date: 27 July 2012

Appeal Ref: APP/H0738/D/12/2178157
56 Lomond Avenue, Billingham, TS23 2QY

- 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 Daryl Davison against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 12/0773/RET, dated 18 March 2012, was refused by notice dated 21 May 2012.
 - The development proposed is a timber boundary fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the fence, which has already been erected, is detrimental to the street scene and whether it is a threat to pedestrian safety.

Reasons

3. No 56 Lomond Avenue stands at the junction of that road with Brendon Crescent. However, the fence that is the subject of the appeal encloses No 56's side garden which fronts onto Lomond Avenue. Other properties on Lomond Avenue have small front gardens with 0.7m high brick walls on their street frontage. In this visual context the almost 2m high timber fence, wrapping round the front and side of No 56's garden, stands out starkly as an intrusive feature in the street scene. As such it is detrimental to the character of the surrounding area and conflicts with the objectives of policy CS3 in the Council's adopted Core Strategy.
4. I am aware that there are high frontage fences nearby on Clee Terrace. I consider that these are also damaging to the street scene but I read that they were erected without planning permission and are now immune from enforcement action because they have existed for more than 4 years. I do not consider that their existence justifies retaining the fence at No 56 because that would open the door to other similar developments that would exacerbate the original harm. I do not have details of other frontage fences erected elsewhere on the same housing estate and I must in any event determine the appeal before me on its own merits.

5. I do not consider that the high hedge at the front of a house on the opposite side of Brendon Terrace has the same intrusive effect on the street scene, and in any event hedges do not require planning permission. Whilst I acknowledge the appellant's arguments about security I do not think that they outweigh the need to protect the street scene in the interests of the wider community
6. The position and height of the fence means that there is no 2.4m X 2.4m visibility splay for vehicles emerging from No 56's driveway as required by the Council's Design Guide and Specification. This could be a threat to pedestrian safety although I would expect the driver of an emerging vehicle to recognise the danger and to drive cautiously. I am not convinced that the absence of the visibility splay would cause a sufficient threat to pedestrian safety to justify a refusal of permission for that reason alone but it increases the overall weight of objection to the proposal, which is unacceptable because of its effect on the street scene.

George Arrowsmith

INSPECTOR