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## Appeal Decision

Site visit made on 15 October 2012

by **K Ellison BA MPHIL MRTPI**

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

Decision date: 31 October 2012

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**Appeal Ref: APP/H0738/D/12/2182625**

**235 Surbiton Road, Fairfield, Stockton-on-Tees, Cleveland, TS19 7SF**

- 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 P Dalby against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 12/1320/RET/ was refused by notice dated 15 August 2012.
  - The development proposed is a fence to the front of the property.
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### Decision

1. The appeal is dismissed.

### Reasons

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area and its effect on road safety.
3. The appeal property is a detached house on a modern residential estate. Although there is some variety in the style and character of the houses, the front gardens are generally open to the street, which gives the area a pleasant, open character.
4. I am conscious that the appeal proposal relates to a 1m high close-boarded fence rather than the 1.3m high fence which is presently in place. I appreciate, therefore, that the impact of the proposed fence would be correspondingly reduced. However it seems to me that the proposed fence would nonetheless appear unacceptably obtrusive. It would also be quite at odds with the open setting of the surrounding streetscene owing to its height, style and the materials used. As such, it would be contrary to Core Strategy policy CS3(8), which expects proposals to make a positive contribution to the local area by, amongst other things, responding positively to local character. It would also fail to satisfy national guidance as set out in paragraph 56 of the National Planning Policy Framework which recognises the importance of good design.
5. There would be some reduction in visibility for drivers leaving Lerwick Close, which leads off Surbiton Road a short distance to the north. Similarly, the fence would make it more difficult for pedestrians to be seen by drivers leaving the property and there would be some loss of forward visibility for drivers travelling along this part of Surbiton Road. However, I am not convinced that the extent to which visibility would be affected or the number of pedestrians or vehicles involved would be such as to represent an appreciable reduction in current levels of road safety. The Council refers to Core Strategy policy CS2 in

this respect but, as I read it, the policy does not bear directly on road safety. Nevertheless, I find no conflict with the National Planning Policy Framework which, at paragraph 35, refers to the need to create safe and secure layouts.

6. I appreciate the difficulty faced by the Appellant in that this fence was a replacement for an earlier one which had blown down but it seems the previous fence was not as high as this one. Also, I recognise the suggestion that a lower fence might be considered. However that is a matter which should be put to the local planning authority in the first instance.
7. For the reasons given above, I conclude that the appeal should not succeed.

*K Ellison*

Inspector