



Appeal Decision

Site visit made on 26 February 2014

by Farooq Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 6 March 2014

Appeal Ref: APP/H0738/D/13/2210851

14 Copse Lane, Ingleby Barwick, Stockton-on-Tees, Cleveland TS17 0SD

- 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 Jonathan Parker against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/2697/RET was refused by notice dated 2 December 2013.
 - The development proposed is to replace an existing wood fence for a higher wooden fence of 1.8 meters dropping down in height to 1.2 meter at the side of the property.
-

Decision

1. The appeal is allowed and planning permission is granted to replace an existing wood fence for a higher wooden fence of 1.8 meters dropping down in height to 1.2 meter at the side of the property at 14 Copse Lane, Ingleby Barwick, Stockton-on-Tees Cleveland TS17 0SD in accordance with the terms of the application Ref 13/2697/RET dated 24 October 2013 and the plans submitted with it.

Main issue

2. The main issue is the effect of the fence on the character and appearance of the area.

Reasons

3. The appeal site comprises of a detached bungalow which lies on a corner plot in a predominantly residential area. The site is reached by a footpath and cycleway that runs between Copse Lane and Middle Road. The area is characterised by a mixture of two storey properties and bungalows and there is a similar variety in the height and types of boundary treatment. These include open frontages with low vegetation, walls, 'kick-rail' fencing and closeboard fencing. At the time of my site visit, the development was already in place and I have considered the appeal on this basis.
4. The fence has been partly erected to a height of around 1.8m with this reducing to around 1.2m the boundary. Although it is set close to the edge of the footpath and cycleway, I consider that given its split height appearance and the existence of a similar height closeboard fence on the opposite side of footpath and cycleway to the appeal site and elsewhere in the vicinity of the site such as properties on Middle Road, that the boundary does not detract to any significant extent from the character and appearance of the area.

5. Whilst I note that the neighbouring properties further to the east have relatively open frontages to the footpath and cycleway comprising of vegetation and low 'kick rail' type fencing, this appeal property is situated on a corner plot and at a different orientation to these other properties. Despite its corner location, I do not agree with the Council that the appeal property is particularly prominent as it is set back from Middle Road by a densely planted area containing various shrubs and trees and is some distance from the vehicular carriageway at Copse Lane.
6. Whilst it may be good practice guidance within 'Manual for Streets' to encourage active frontages to all plots adjoining the public highway and avoid high boundary treatments, given the fence is of a reduced height to the side of the bungalow and to the side boundary of the front garden, I consider in this instance that it would not be unduly harmful to the character and appearance of the area.
7. I therefore conclude that the fence would not have an unacceptable harmful effect on the character and appearance of the area. As such, the proposal does not conflict with Policy CS3 of the Council's Core Strategy which requires, amongst other things, for developments to respond positively to local character. It also does not conflict with the National Planning Policy Framework's core principle of securing high quality design.
8. I have taken account of the occupant's personal circumstances and the benefits of the fence proposal in terms of their health and security. Whilst these points weigh in favour of the development, they are not determining factors in my decision as in this case I find no significant harm in terms of the main issue.
9. Although the Council refer to the acceptability of the fence if it was moved away by 1.5m from the shared boundary, I am required to determine the appeal before on its own merits.
10. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.
11. The Council has not suggested conditions should the appeal be allowed. Given that the development has already taken place and is, in my view, acceptable in its current form, I see no reason to impose conditions.

F Rafiq

INSPECTOR