



Appeal Decision

Site visit made on 12 December 2014

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 17 December 2014

Appeal Ref: APP/H0738/D/14/2227078

38 Cannon Grove, Ingleby Barwick, Stockton-On-Tees, Cleveland TS17 5DB

- 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 Michelle Smith against the decision of Stockton-On-Tees Borough Council.
 - The application Ref 14/1962/RET was refused by notice dated 1 October 2014.
 - The development proposed is change of use; enclosing garden by moving fence.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal is for a new boundary fence that would extend the enclosed rear garden so that it would include all the land between the side of the property and the pavement. The proposed closeboard panel fence is already in place. Its height and unrelieved form result in it being extremely prominent in views along the road. I found the works to be entirely out of keeping and to represent an incongruous addition within the street scene.
4. The original boundary included a palisade type timber fence set between brick piers which matched the dwelling. Such boundaries are common in this area. It is clear that care was taken with regard to the design of the original layout of this housing area to ensure that the side boundaries of corner plots would not be intrusive. These brick and palisade fences are a unifying feature of the area. The fence that has been erected, whilst carrying out the same function, does not reflect or complement the existing properties or the character of the area. It represents poor design in this setting.
5. The fence detracts from the character and appearance of the area. It is contrary to Policy CS3(8) of the Core Strategy Development Plan Document 2010 as this seeks to ensure that new development makes a positive contribution. As the policy generally accords with the design requirements of the *National Planning Policy Framework*, I afford it considerable weight.
6. The appellant has explained that the open grass area was often abused and needed constant attention to maintain it in a safe and satisfactory condition. I accept that because such areas are generally only associated with corner plots,

this land could be incorporated into the private area of garden without concerns with regard to the openness or character of the estate. The form of the enclosure would however need to respect its setting. This is not the case with regard to the works that have taken place.

7. I acknowledge that there are a number of other similar fences in the vicinity. However, this does not represent a good reason for accepting poor design when planning permission is required.
8. I am satisfied that the fence could be realigned to address concerns with regard to visibility and also to reduce its impact on the frontage of the dwelling. However, even with these improvements, the matters in favour of the works would be insufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR