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# Appeal Decision

Site visit made on 10 November 2015

**by Martin Joyce DipTP MRTPI**

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

Decision date: 24 Nov. 15

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**Appeal Ref: APP/H0738/D/15/3134605**  
**15 Cavendish Walk, Stockton-on-Tees TS19 8WG**

- 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 N Johnson against the decision of the Stockton-on-Tees Borough Council.
  - The application, Ref: 15/1191/FPD, dated 14 May 2015, was refused by notice dated 19 August 2015.
  - The development proposed is a boundary fence to the front of a private dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was made retrospectively, as the fence has already been erected. It is a close-boarded fence of about 0.9m in height, and bounds the three sides of the front garden of the appeal property.
3. On a second matter, the address of the appeal site is given in all of the appeal documents as No 15 Cavendish Walk. I noted, however, at my inspection that the street sign to the north, at the start of the walkway past the front of the appeal property gives the spelling as Cavandish Walk. All of the conventional street maps available to me show the street name as Cavendish Walk, and in all of these circumstances I have taken the view that the street sign has been wrongly spelt.

## Main Issue

4. The main issue in this appeal is the effect of the development on the street scene in this part of Cavendish Walk.

## Reasoning

5. The appeal property is a two-storey end-of-terrace house in a row of four on the western side of Cavendish Walk. It forms part of the Hardwick Garden Village development built following an initial grant of planning permission in 2006. The estate is laid out on an open plan system, with no formal front boundaries to garden areas, albeit that some houses near the ends of the linking walkways and cycle routes have metal railings to match those at the junctions of such routes with roads.

6. The fence in question can be seen prominently in views from both north and south along the footway/cycle route, and it detracts significantly from the street scene as it is an alien and incongruous feature. It is thereby contrary to the provisions of Core Strategy Policy 3<sup>1</sup>, which requires, amongst other things, that the design of new development shall make a positive contribution to the local area. The fence that has been erected does not make such a contribution, rather it spoils the otherwise clear and open soft landscaping to the front of the row of houses in this part of Cavendish Walk.
7. I note that the appellant wishes to contain her front garden to provide a degree of protection for her son, who has learning difficulties and is profoundly deaf. However, whilst such circumstances are compelling, they will only apply for the current occupier of the property, whereas a grant of planning permission would continue indefinitely. Crucially, these circumstances do not outweigh the serious visual harm that has occurred. Moreover, I understand that the Council have suggested an alternative form of development to meet the appellant's needs, which would be more suited to the street scene.
8. My conclusion on this issue is that the development which has taken place materially harms the street scene in this part of Cavendish Walk contrary to the provisions of the Council's adopted Core Strategy.

#### **Other Matters**

9. I have taken account of all other matters raised in the written representations but they do not outweigh the conclusions I have reached in respect of the main issue of this appeal.

*Martin Joyce*

INSPECTOR

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<sup>1</sup> Core Strategy Policy 3 of the Core Strategy Development Plan Document, Stockton-on-Tees Borough Local Development Framework, adopted 24 March 2010.