
Appeal Decision

Site visit made on 15 August 2016

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 18th August 2016

Appeal Ref: APP/H0738/D/16/3153241

2 West View Terrace, Eaglescliffe TS16 0EE

- 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 Janice Owen against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/1091/FUL, dated 24 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed was described as "I would like to remove the hedge at the front of my property and replace it with a wall and fence. The wall will be brick up to a height of approximately 900mm. There will be three brick pillars - one at either end and one in the middle - with a fence between the pillars. Total height of the new wall / fence will be 1.8 meters. The depth and height is no greater than the depth and height of the hedge that exists now."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I noted during my site visit that a brick wall has been erected along the front boundary of the appeal property. For the avoidance of doubt, I confirm that my determination of the appeal is based on the plans that were considered and determined by the Council and not on the development as constructed.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The proposed erection of a 1.8 metre high brick wall and close boarded timber fence along the boundary with West View Terrace would result in a hard, solid and obtrusive feature in an area of the street largely characterised by front gardens bounded by soft, verdant hedges.
 5. The appeal property is located close to a footbridge over the nearby railway line, and I noted during my site visit that this is a well-used pedestrian route. Therefore, although West View Terrace is not a through road, the appeal site is nevertheless fairly prominent.
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6. The former hedge along the front boundary of the appeal property has been removed however this in itself is not an act of development, and doing so has enabled views into the landscaped front garden thereby contributing to the green leafy character of this part of the street. The erection of a 1 metre high wall under permitted development rights would retain a more open frontage and would therefore not result in the same degree of harm that I have identified above.
7. At the time of my site visit many of the hedges in the street were high. However, due to the organic nature of these boundaries, their height is liable to change over time. As such, they cannot be regarded as permanent features which would set a precedent for the erection of a lasting replacement of man-made construction.
8. My attention has been drawn to a close boarded timber fence at 3 West View Close, to the north of the appeal site. I have no information regarding the planning history of this development. Moreover, the property is located in a less prominent position than the appeal site and the fence appears to form the boundary of the rear garden of the house which fronts onto a small cul-de-sac development. As such, the context of this site is not directly comparable with the appeal proposal. In any event, I have determined the appeal on its own merits.
9. Whilst there are examples of other fences and walls in the wider area, I have no details of their planning history. I have considered the appeal proposal on the basis of the site specific circumstances and the evidence before me.
10. For the reasons set out above, the proposed fence would have a harmful effect upon the character and appearance of the area. As such, the proposed development would be contrary to the design and environmental protection and enhancement aims of Policy CS3 (8) of the Stockton-on-Tees Core Strategy Development Plan Document.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR