

Appeal Decision

Site visit made on 17 July 2017

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

Decision date: 28 July 2017

Appeal Ref: APP/H0738/D/17/3173852

11 Wear Crescent, Eaglescliffe, Stockton-on-Tees, Cleveland TS16 0JP

- 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 Colin Atkinson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/2928/RET, dated 13 December 2016, was refused by notice dated 30 March 2017.
 - The development is the erection of a wooden fence 1.8m in height.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence was erected at the time of the application and my site visit. The application is, therefore, retrospective and I shall determine the appeal on this basis.

Main Issues

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a two-storey, semi-detached property situated on a corner plot in a predominately residential area. An approximately 1.8m high fence previously existed to the side of the property. This has been replaced with a newly erected, around 1.86m high fence which is situated approximately 1m closer to the highway at its forward most part than the previous fence.
 5. The area is characterised by two-storey and single-storey semi-detached properties set back from the road with modest open front gardens. The front gardens and the space between the properties contribute to the open character of the street.
 6. The erected fence encloses a previously open area of land situated between the previous fence and the road and thus erodes the open character of the area. The fence immediately abuts the pavement and sits in front of the building line established by the garages adjacent to number 13 Wear Crescent and the subsequent row of houses. It is situated in a prominent corner location and is visible when approaching from both directions along the street.
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7. Due to the proximity to the pavement, protrusion in front of the established building line, enclosure of open land and prominent location I consider that the fence forms an incongruous addition which detracts from the open character of the area.
8. The appellant considers that the current fence has been erected to a higher standard than the previous fence. However, the previous fence was set further back from the road and was, therefore, less prominent in the street scene. The appellant has indicated a willingness to paint the fence; however, this would do little to reduce its prominence. It is also suggested that a Yew hedge could be planted; however, whilst this would soften the appearance of the fence to the front, planting cannot take place on the side boundary, due to the proximity to the pavement. Furthermore, the planting of the hedge would not reduce the effect of the fence on the openness of the street scene.
9. Attention is drawn to other fences in the area, although the appellant does not provide details. I noted a fence at 1 Rye Close, however, the Council clarify that this does not benefit from planning permission which limits the weight which I can attach to it in my Decision.
10. For the reasons stated, I conclude that the fence harms the character and appearance of the area. It, therefore, conflicts with Policy CS3 of the Council's Core Strategy Development Plan Document 2010 which seeks to ensure that, amongst other things, new development makes a positive contribution to the area.

Conclusion

11. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector