



Appeal Decision

Site visit made on 18 October 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 20 November 2017

Appeal Ref: APP/H0738/W/17/3178710

44 Marchlyn Crescent, Ingleby Barwick, Stockton-on-Tees, Cleveland TS17 5DP

- 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 Paul Daggett against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/0367/FUL, dated 11 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed was described on the planning application form as "Erect fence along side of property. Request to put in place new fence along border of property. Reason to extend property (Garden). Remove issue of litter from public been disposed on open land".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

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

Reasons

4. The appeal site is located on a distributor road which leads through an extensive residential estate and which serves a number of subsidiary roads. The site is located on the inner curve of a pronounced bend in the highway and due to this arrangement is in a prominent location within the streetscape. I saw that the planting within the appeal site provides a soft landscaped treatment between the high boundary wall of the appellant's garden and the public highway. I also note that the enclosure of the area is prevented by a planning condition which seeks to retain the open plan aspect of the site.

5. The site is separated from the carriageway by an area of cobbles, a path and a grass verge which would all be retained. However, these elements are relatively featureless and the landscaping within the appeal site introduces a softening effect and visual interest into the streetscape. The proposal would remove this landscaping and the benefits that it provides, with commensurate harm to the streetscape. The proposal would result in a high means of enclosure located directly against the boundary with the public realm and would result in an obtrusive feature which would detract from the landscaping within this area. Furthermore, the proposed fence would be constructed from concrete kickboards and posts supporting fence panels, which would be out of character with the design of boundary treatment elsewhere on the estate.
6. The appellant contends that boundaries and fences are not just located on straight parts of Marchlyn Crescent or the estate. However, whilst I saw that the distributor road does meander to a degree through the area, the appeal site is located on a particularly pronounced bend in the streetscape. Furthermore, the arrangement of this site corresponds to a site in a similar location within a bend of the road to the east and which also has an area of planting between the means of enclosure and the highway. Where high walls or fencing are directly adjacent to the highway elsewhere on the Crescent they are not located in such prominent locations on pronounced bends.
7. I note that the appellant has offered to set the fence back by 0.5m to provide landscaping. However, this would only provide a limited strip for planting and would not be sufficient to provide for the establishment of landscaping to compensate for that which would be lost.
8. I am mindful of the problems of littering and dog fouling referred to by the appellant. However, these issues do not outweigh the harm that would occur to the streetscape as a result of the proposal.
9. I conclude that the proposal would harm the character and appearance of the area due to the loss of landscaping on a prominent site and the introduction of an obtrusive feature into the streetscape. The proposal would therefore be contrary to Policy CS3 of the Core Strategy Development Plan Document which states, amongst other things, that development should make a positive contribution to the local area. The proposal would also conflict with the National Planning Policy Framework in respect of requiring good design and ensuring that developments are visually attractive as a result of appropriate landscaping.
10. For the reasons given above and taking account of all material planning considerations I conclude that the appeal should be dismissed.

David Cross

INSPECTOR