



Appeal Decision

Site visit made on 26 June 2018

by **Elaine Gray MA(Hons) MSc IHBC**

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

Decision date: 15 August 2018

Appeal Ref: APP/H0738/W/18/3198803

9 De la Mare Drive, Billingham, Cleveland TS23 3YT

- 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 Ashley English against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/1118/RET, dated 20 March 2017, was refused by notice dated 13 February 2018.
 - The development is fence and gate at rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (NPPF) was published in July 2018. I have sought from the main parties their views as to any implications of the revisions to the NPPF on this appeal, but no responses have been received.
3. The development has already been carried out, and I have considered the appeal on that basis. In the interests of conciseness, I have used a truncated version of the description of the development given on the application form.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site at 9 De la Mare Drive is located in a predominantly residential area. The development which is the subject of the appeal comprises fencing panels and a gate which have been constructed at the rear of No 9, close to the existing garage. The fencing is around 1.85m high, and the gates have a maximum height of approximately 2m.
6. Due to its location, the development is visible from the public realm within Byron Close. On my site visit, I saw that Byron Close is largely open plan, with few formal boundary treatments. Demarcation of the gardens tends to be with planting rather than by the use of built structures. As a result, the street is characterised by a pleasant sense of openness.

7. By contrast, the development creates a significantly greater degree of enclosure to No 9 than is characteristic in the surrounding area. It is excessively dominant in this location due to its substantial length and overall height. It forms an obtrusive feature within the street scene and reduces the visual spaciousness and openness of the surrounding area. Furthermore, it is out of keeping with the minimal boundary treatments that are characteristic of Byron Close.
8. I therefore conclude that the proposal would unacceptably harm the character and appearance of the surrounding area, contrary to Policy CS3 of the Stockton-on-Tees Borough Council Core Strategy Development Plan Document, insofar as it requires the design of new development to make a positive contribution to the local area.
9. I note and sympathise with the appellant's personal circumstances, particularly the security concerns relating to the garage, and the problem of individuals using the garden as a cut-through. However, it is possible that these problems could be addressed independently of the appeal scheme, and so such a benefit would not outweigh the harm I have identified.
10. My attention has been drawn to nearby boundary structures at 12 Longfellow and 17 Coleridge. However, I do not have the full details of the circumstances that led to these proposals being accepted, and so I cannot be sure that they represent a direct parallel to the appeal proposal. Moreover, I observed on my visit that these boundaries are at odds with the openness that remains characteristic within Byron Close, and so neither of these examples would lend support to the appeal scheme. In any event, each case is to be determined on its individual merits.
11. I accept that the appeal site, including the main property and the garage, are of a different design to the dwellings on Byron Close, and belong to a separate phase of development. Whilst the development arguably achieves a degree of segregation between the two areas, this circumstance has not led me to a different conclusion.
12. For the reasons above, I conclude that the development conflicts with the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR