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## Appeal Decision

Site visit made on 21 May 2019

**by Jamie Reed DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

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**Appeal Ref: APP/H0738/D/19/3223236**  
**10, Ryedale Close, Yarm TS15 9UN**

- 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 John Longstaff against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/2006/RET, dated 29 August 2018, was refused by notice dated 7 December 2018.
  - The development proposed is described as 'Remove Leylandii trees from the front garden of the property and replace with wooden fence with concrete posts. Prior to the removal of the leylandii the old fence in the rear garden was replaced so that the fence would all be the same.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. It was clear from my site visit that the fencing that is the subject of this appeal had already been erected. I have therefore determined the appeal on the basis that the development has already occurred.
3. The Council Officer's report explains that there are sections of the fencing that the Council consider to be acceptable and sections that could be altered in height in order to overcome the concerns they have raised. In acknowledgement of this, the appellant has described an alternative proposal that would involve amending the heights of some of the sections of fencing and removing others, in accordance with the Council's recommendations and also staining certain sections a matching colour. They have also suggested planting shrubs along certain sections of the fencing in order to "soften the landscape". Such amendments do not form the basis upon which the Council made their decision however and as there are no accurate drawings or specifications before me that clearly illustrate these suggested changes, I have determined the appeal based on the information that was submitted to the Council.

### Main Issue

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

### Reasons

5. The appeal property is a large detached dwelling situated at the head of a short cul-de-sac on an estate of similar properties. A particular characteristic of the estate is its green and open nature. The frontages of the majority of properties

- are open without boundary enclosures and feature close mown lawns that abut the footpaths. The sides of these frontages are typically bordered with shrubs and ornamental trees, creating a pleasant, naturalistic setting.
6. Due to its positioning on the western side of the head of the cul-de-sac, the appeal property has a larger front garden than its neighbours. The front lawn extends out to the east across the cul-de-sac's width, terminating where it meets a narrow pedestrian footpath link. This connects into a shared cyclepath/pedestrian footway that runs along the southern perimeter of this part of the estate.
  7. The southern/side boundary of the appeal site abuts the cyclepath/footway and it is clear that the section of fencing that has been erected along the boundary that it shares with the appeal site is similar in scale and appearance to a number of other enclosures that are present along its length. The fencing at this point measures about 1.8 m in height and runs the length of the shared boundary before returning along the western edge of the narrow footpath link. The fencing then reduces down in height to about 1.2 m for the short section that runs across the head of the cul-de-sac.
  8. When viewed from Rydale Close, the section of fencing that run across the head of the cul-de-sac introduces a visually prominent and incongruous feature that is completely at odds with the otherwise green and open character of the cul-de-sac. This open character is reduced and harmed even further by the section of taller fencing that runs hard up along the western side of the narrow footpath link.
  9. The appellant has explained that they have erected the fencing following the removal of a hedge. He considered this was necessary in order to maintain a secure and defensible boundary to their garden in which his grandchild plays and to prevent disturbance arising from headlight glare. He also suggests that he could soften the appearance of the fencing by staining it and by introducing planting. Whilst I can empathise with their rationale and desire to secure their property, this does not overcome the visual harm that I have identified above. Furthermore, the introduction of staining or planting would not remedy this and as such, I can only afford little weight to this argument.
  10. Accordingly, I find that due to its siting and design, the fencing introduces a stark and visually incongruous feature that is harmful to the otherwise green and open character and appearance of the area. Consequently, the fencing is contrary to policy CS3 of the Stockton-on-Tees Core Strategy Development Plan Document (2010). This requires developments to be designed with safety in mind and to make a positive contribution to the local area.

## **Conclusion**

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

*Jamie Reed*

INSPECTOR