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# Appeal Decision

Site visit made on 26 October 2022

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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**Appeal Ref: APP/H0738/D/22/3303988**

**20 Diligence Way, Eaglescliffe, Stockton-on-Tees TS16 ORR**

- 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 & Mrs G Corfield against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 21/1952/RET, dated 20 October 2021, was refused by notice dated 12 May 2022.
  - The development proposed is a garden fence and gates.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The garden fence and gates are already erected. However, the submitted plans show that existing pillars would be removed and that the existing timber sleepers would form the full boundary treatment, albeit reduced from about 0.5 of a metre to 0.3 of a metre in height. I am therefore determining this appeal on the basis of it being a partly retrospective development proposal.

## Main Issue

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

## Reasons

4. The appeal site falls within a modern housing estate of predominantly detached brick and render dwellings and where frontage garden/driveway spaces are mainly devoid of hard boundary treatment. This ensures a green and spacious character to the locality. In these respects, there is a pleasing consistency to the design of the estate adding positively and distinctively to the character and appearance of the area.
5. I acknowledge the proposed reduction in the height of the timber sleepers and the removal of the existing pillars. However, the overall effect of the resultant sleepers and gates would still have a significantly enclosing impact on the front amenity space of the host property. In the context of the prevailing open plan estate, this would be appreciated by passers-by as a significant erosion of the design consistency that exists in the locality and hence would be seen as an incongruous form of development to the detriment of the character and

appearance of the area. This harm would be compounded in terms of longer distance views when there were no cars parked on neighbouring driveways.

6. While the landscaping would no doubt soften the adverse effects of the sleepers in time, the gates would continue to be dominant and harsh additions in the prevailing open plan estate setting. Furthermore, the sleepers would still be noticeable beneath the landscaping and would appear out of place in this locality. I accept that a limited number of properties in the area include landscaped front gardens. However, what is proposed as part of this appeal is a mixture of both hard and soft landscaping to the front of the appeal property: my site visit did not reveal any similar garden areas in the area.
7. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. Hence, it would not accord with the design, character and appearance requirements of policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 and chapter 12 of the National Planning Policy Framework 2021.

### **Other Matters**

8. The appellant has indicated that the planters and gates are required due to previous anti-social behaviour. I do not know the precise details of previous anti-social behaviour, although general information has been provided by the appellant. The appellant indicates that the anti-social behaviour has stopped following the installation of the boundary treatment.
9. While I have no reason to doubt that there was previously anti-social behaviour, I do not know if other alternative options have been explored by the appellant such as for example the use of CCTV, the continued involvement of the police and/or the possibility of opting for only soft boundary landscaping on the site. In any event, and notwithstanding the appellant's desire to reduce the possibility of future anti-social behaviour, this has to be weighed against the significant harm that would be caused to the character and appearance of the area if this appeal were to be allowed.
10. In this case, I find that a refusal of planning permission is on balance a proportionate and necessary response in the public interest. In reaching this view, I have taken into account Article 8(1) of the Human Rights Act 1998 and also the fact that there are a number of objections to the proposal from members of the local community.

### **Conclusion**

11. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

*D Hartley*

INSPECTOR