



Appeal Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/H0738/D/23/3323603

51 Wallington Road, Billingham TS23 3UR

- 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 Mrs Beverley Lowe against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 23/0206/REV, dated 2 February 2023, was refused by notice dated 30 March 2023.
 - The development proposed is the erection of a 2m high close boarded fence to front, side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high close boarded fence to front, side and rear at 51 Wallington Road, Billingham TS23 3UR in accordance with the terms of the application, Ref 23/0206/REV, dated 2 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. 2290/01 dated Aug 22, Drg. No. 2390/03 dated Feb 23 and Drg. No. 2390/05 dated Feb 23.
 - 3) The existing picket fence shall be removed within 28 days from the date of the new fence as approved being implemented.

Applications for costs

2. An application for costs was made by Mrs Beverley Lowe against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Amended plans have been submitted with the appeal which additionally show the conifers that have been planted and that the existing lower fence would be removed, neither of which are acts of development. In all other respects the amended plans are the same as those on which the Council made their decision. As the amended plans are helpful in showing the full extent of what is proposed and because their acceptance would not prejudice any party who has an interest in the appeal, I shall base my decision upon them.
4. The appellant's Statement of Case sets out that they have erected new fencing on the site with the intention of showing how the proposed fence would appear and the impact that it would have upon the street scene. However, the fencing in question does not entirely correspond with what is shown on the proposed

plans. For the avoidance of doubt therefore, I have made my assessment on what is shown on the plans that accompany the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located on the corner of Wallington Road and Chillingham Court and as such the proposed fence would occupy a prominent position in the street scene. Boundary treatments in the vicinity of the appeal site vary in their positioning and height, but they include high fences positioned directly on the back edge of the pavement. This includes the fences at 48 Wallington Road and 2 Chillingham Court which are located opposite the appeal site, which are visually dominant within the street scene and which somewhat undermine what the Council considers to be the open plan ethos of the estate. As a whole, this creates a varied street scene in terms of the boundary treatments that are present.
7. The proposed fence would be of two metres in height, but it would be set back into the appeal site and not directly on the boundary with the pavement. This would considerably reduce its visual impact on the street scene and would ensure that it would not have an unduly dominant impact upon it. In serving to enclose an area of the rear/side garden of its host property, its relationship to the dwelling would be consistent with those at the other properties in the locality that have high fences. Furthermore, in the context of its positioning and the other fences that are present, the proposal would not be out of keeping or cause a significant loss of visual openness. These factors collectively ensure that there would be no harm to the character and appearance of the area.
8. In addition, the conifers which have been planted in the intervening space between the proposed fence and the road would serve to soften the impact of the proposal, and the removal of the existing picket fence would offer a further visual benefit. Whilst the reason for refusal also refers to the building line along Chillingham Court, those dwellings have a different relationship to the street scene than the appeal dwelling, in that they face towards the road. The proposed fence would be read as an enclosure to the side of the appeal dwelling, and not to the front of it, and as a result its impact on the Chillingham Court street scene would be limited.
9. For these reasons, I conclude that the proposal would not cause harm to the character and appearance of the area. The proposed development would therefore accord with Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (LP), where they seek to protect character and appearance. There would also be no conflict with the aims of the National Planning Policy Framework, where it seeks to achieve well-designed places. Reference is made to Policy ENV6 of the LP on the decision notice, but this refers to green infrastructure, open space, green wedges and agricultural land, and therefore is not directly relevant to the appeal proposal.

Other Matters

10. Representations were made by interested persons as to the impact that would arise upon highway safety and in particular on visibility. Whilst the proposal

would affect visibility from the part of the driveway of 1 Chillingham Court closest to that dwelling, such visibility requires vision being possible over the appeal site. As has been demonstrated by the planting of the conifers, the retention of this vision could not be secured in any instance. Given this, and as there is no objection raised by the Highway Authority, I conclude that the proposal would not have an unacceptable impact on highway safety.

11. The proposed fence would not run along the full extent of the common rear/side boundary with No 1 and at ground floor level this adjacent dwelling has a garage door and front door positioned closest to where the fence would be erected. As a result, the proposal would not cause harm to the living conditions of the occupiers of No 1 in terms of loss of light, loss of outlook or by reason of its massing.

Conditions

12. Conditions relating to the time period to commence development and to the approved plans are necessary in the interests of providing certainty. A condition setting out the period of time for removing the existing fence is required, in the interests of the visual appearance of the area and to ensure accordance with the approved plans.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR