

Appeal Decision

Site visit made on 30 August 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/W4515/W/16/3148006

209 Garth 24, Killingworth, Newcastle Upon Tyne NE12 6DH

- 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 Danielle Dryden against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 15/01541/FUL, dated 14 October 2015, was refused by notice dated 12 January 2016.
 - The development proposed is change of use to alter the plot from waste grass to private garden with a timber boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarification whilst the address of the appeal site is described on the application form as 209 Garth 24, it is in fact a parcel of land immediately adjacent to this address.

Main Issue

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

Reasons

4. The site is part of a residential estate generally characterised by properties adjoining variously sized expanses of grassed amenity open space with public footpaths running through and adjacent. The appeal site itself comprises a small parcel of such space separating the appellant's property at the end of a line of terraced dwellings from the adjacent footpath. Whilst set back and not very visible from the nearby road, its position immediately adjacent to the public footpath means that it is in a prominent location in relation to users of the footpath network through the estate.
 5. Whilst relatively small in area, the amenity space as with similar patches elsewhere in the locality provides a visual break to the otherwise hard and imposing edge of fence lines, walls and buildings. As such the appeal site makes a positive contribution to the appearance of the estate. The enclosure of the space would result in the extension of a fence line and therefore harder edge to the adjacent footpath. This path is already partly enclosed on one side
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opposite the site. The enclosure of the site would result in the path feeling more hemmed in and would be harmful to its enjoyment. Whilst the proposal would not jeopardise the significant amount of open space that would be retained within the estate it does not justify the harm that I have identified in this case.

6. At the time of my visit the site appeared generally clean and well maintained. Whilst I have no reason to doubt the appellant's statement that they are experiencing anti-social behaviour on the site, there was no evidence from my visit of any such activity. The appellant has not made a compelling argument that the enclosure of the space would significantly alleviate the negative effects of any anti-social behaviour with a view to justifying the enclosure and removing a valuable part of the open space network in the locality.
7. I conclude that the proposal would result in harm to the character and appearance of the area. As such it would be in conflict with Policy R2/4 of the North Tyneside Unitary Development Plan 2002 (UDP). This policy acknowledges that small open spaces make an important contribution to the amenity of neighbourhoods and that the loss of such areas should generally be resisted unless it can be demonstrated that the use of the land is resulting in an excessive adverse impact. It would also conflict with Policy H11 of the UDP and the Council's Supplementary Planning Document entitled Design Quality which seek development to take into account impact on local amenity and to limit long sections of new fencing bounding public areas.

Other Matters

8. Concerns have also been expressed with regard to loss of property value that would be experienced by leaving the land as it is. I am, however, unable to attach any significant weight to this matter as it is not the purpose of the planning system to protect such private interests.
9. The appellant states that the area of the site is less than claimed to be by the Council and also disputes that the Council suggested solutions to make the development acceptable. Irrespective of this my decision is based on the drawings provided and the information gathered during my visit. Any concerns regarding the way the application was dealt with would need to be raised with the Council and are not relevant to my deliberations in deciding this appeal.

Conclusion

10. For the above reasons and having regard to all other matters raised the appeal should be dismissed.

Roy Merrett

INSPECTOR