The Planning Inspectorate

Appeal Decision

Site visit made on 17 October 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 01 November 2016

Appeal Ref: APP/W4515/D/16/3156497
1 St Lucia Close, Whitley Lodge, Whitley Bay NE26 3HT

- 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 Ian Dodson against the decision of North Tyneside Metropolitan Borough Council.
- The application Ref 15/01937/FULH, dated 6 December 2015, was refused by notice dated 24 May 2016.
- The development proposed was originally described *as 'A 5ft fence has been erected around the boundary of our rear/side garden. There are three sides to the fence, one side of fence joins (non attached) neighbour, and one runs along property boundary. The reason for this fence is to provide a safe, secure and private area for our two young daughters to play in. We would have sought planning permission prior to building the fence however due to the amount of other similar fences on our estate admittedly we had wrongly assumed this wouldn't be necessary and this is our first experience of such a matter. As well as the fact that the fence is now a lot shorter than the bushes that were in its place beforehand'*.

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application was made retrospectively and I saw at my site visit the fence in situ. I have therefore dealt with the appeal on the basis that the development has already occurred.

Main Issue

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

Reasons

4. 1 St Lucia Close is a two storey semi-detached dwelling situated at the junction of St Lucia Close and Woodburn Drive. The appeal property is situated in a prominent corner position, with frontages to both roads. I saw during my site visit that the front gardens of nearby dwellings on both St Lucia Close and Woodburn Drive are typically enclosed by low brick walls and hedges and shrubs. I observed that due to the boundary treatments, open front gardens and depth of footways and verges, the estate has an open and spacious character.

5. The appeal relates to a close boarded timber fence which has been erected to enclose part of the garden between the appeal property and the neighbouring 3 St Lucia Close. I understand that the boundary was previously marked by a brick wall and tall shrubs and bushes and note the comment that these required to be cut back which would have left a bare boundary. The fence has been erected above the existing brick boundary walls to the side and front of the property and alongside the existing driveway to the other. I observed at my site visit that the garden of the appeal property slopes up from rises to an appreciably higher level than the footway on St Lucia Close. The appellant has provided measurements of the fence which give it a maximum height of about 1.90 metres above the footway on St Lucia Close. The remainder of the site frontage of the dwelling is unchanged.

6. I note that the fence is sited away from the junction. However, due to its height and close boarded timber construction and siting considerably forward of the established building line, it interrupts the open street frontage of the property and the street scene on St Lucia Close, especially when viewed along St Lucia Close. Consequently, through replacing the boundary planting, it has introduced a hard element into the street scene of an incongruous appearance which is detrimental to the open plan character and appearance of the Whitley Lodge estate.

7. During my site visit, I viewed the examples of the existing fences on the Whitley Lodge estate referred to me by the appellant in their appeal submission. I do not have full details of these schemes and I do not consider that they should provide examples which should inevitably be followed given the harm identified in this case. Additionally, I do not consider that because of its size and position, treating or painting the fence or providing an artificial hedge screen, of which I have not been provided with details, would mitigate the harm found.

8. The appeal proposal would therefore have a harmful effect upon the character and appearance of the area. The proposal is contrary to saved North Tyneside Unitary Development Plan Policy H11 which is concerned with residential development. The proposal also fails to accord with the design guidance as set out in the North Tyneside Council Local Development Framework Supplementary Planning Document Design Quality.

Other matters

9. I saw at my site visit that the appeal property, due to its corner position and site layout, has limited scope for the provision of private amenity space. I have considered the appellants comments that the purpose of the fence is to provide a safe and private environment for children and to bring the land into use. However, whilst I recognise the benefits of this to the appellant, this does not however outweigh the harm to the character and appearance of the area.

10. I have considered the effect of the fence on highway safety. Given the width of the driveway at No 3 and the footway, I consider that the fence does not have a significantly detrimental effect on visibility from the neighbouring driveway and consequently is not harmful to highway safety.

11. I have noted that there has only been one objection to the fence and the appellant's comments regarding the positive comments that they had received concerning it. I have also noted that the appellant was not aware that planning

permission was required for the fence. These matters do not however lead me to a different conclusion.

Conclusion

12. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR