

Appeal Decision

Site visit made on 22 November 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/W4515/D/16/3157362

53 Kirkstone Avenue, North Shields, Tyne & Wear NE30 3BD

- 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 Rosa Arnone against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/00943/FULH, dated 23 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is described on the application form as "Installation of fence adjacent to eastern boundary in front of property. The fence is 5.8m long. For 3m from the front of the dwelling the fence is 0.9m high, rising to 1.5m for the 1.85m section closest to the front (southern) boundary wall - see attached plan.
The southern boundary end of the fence is some 3.5m from the road so does not cause any impediment to drivers' clear line of sight of the highway which runs east-west".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is located on an estate which consists of bungalows on Kirkstone Avenue with a mixture of dwelling types in the wider area. A characteristic of the estate is the use of low walls or fences to the front of dwellings which gives the area a pleasant and open appearance.
 4. I saw on my site visit that the fence as depicted on the submitted plan had been erected. It was apparent that the close boarded fence is an angular and incongruous feature protruding along the boundary to the front of the appeal site. Due to its height and design the fence is an intrusive feature which detracts from appearance of the host dwelling and the neighbouring property of 55 Kirkstone Avenue. Furthermore, the fence detracts from the open character of the street scene in views along Kirkstone Avenue.
 5. In support of the appeal, my attention has been drawn to other properties in the area which have fences, walls or planting over 1m in height. In particular the appellant has referred to 1 Ellersmere Gardens, although I saw at my site visit that the fence at No 1 has been erected to the side of the property rather
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than around the front garden. Although the fence is adjacent to the highway it is viewed within the context of being located to the side of No 1 and does not appear as an incongruous feature on the main frontage of the dwelling or the street scene. None of the examples of high boundary walls or fences that I saw projected to the front of the dwelling in the same manner as the appeal proposal. Furthermore, although a number of properties have hedges or trees to the front, these are not an uncharacteristic feature for front gardens and, as soft landscaping features, do not detract from the character of the estate.

6. I have had regard to the comments raised locally in relation to the reasons for erecting the fence. However, these do not overcome the harm I have identified above.
7. I conclude that the proposal will be detrimental to the character and appearance of the area. The proposal is therefore contrary to Policy H11 of the North Tyneside Unitary Development Plan 2002 which states that residential development should take account of quality of design, scale, massing and construction materials as well as the impact on the site and local amenity. This policy is broadly consistent with the aims of the National Planning Policy Framework with regards to requiring good design. The proposal also conflicts with the advice of the Council's Design Quality Supplementary Planning Document which states that new boundary walls/fences should match those used locally and in particular comprise of materials and detailing which relate to the context of the site.
8. For the reasons given above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR