

Appeal Decision

Site visit made on 10 January 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/W4515/D/16/3162764

1 Shaftesbury Crescent, Marden Farm, North Shields, Tyne and Wear NE30 3LZ

- 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 Neil Hamilton against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/00919/FULH, dated 16 May 2016, was refused by notice dated 23 August 2016.
 - The development proposed is the installation of a fence, adjacent to highway to the side of our rear garden. This fence has been measured with Nathan Millin (planning enforcement officer) and stands 1.86m high measured internally as the fence sits on the internal side of the wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the planning application was initially submitted by Mrs Julie Bennett I note that confirmation has been provided by the applicant that the appeal is to proceed in the name of Mr Neil Hamilton and I have therefore determined the appeal on that basis.
3. At the time of my visit to the site I noted that a fence was already in place in the location shown on the submitted plans, together with lengths of fence at 90° thereto. For the avoidance of doubt however, I have confined my consideration of the matter to that set out on the plans before me, and as considered by the Council.

Main Issue

4. The main issue is the effect of the fence on the character and appearance of the surrounding area.

Reasons

5. The appeal site is part of a residential estate characterised by a consistency and uniformity of front garden boundary treatments. The low garden walls that typically enclose the front gardens create a pleasingly open feel that is evident across the estate. On long straight streets, such as Farringdon Road, this creates an open, spacious feeling, with the uniformity of the low garden walls reflected in the rhythm and uniformity evident in the building lines, and in the proportions and spacing of the dwellings themselves.
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6. The appeal site is a corner plot at the entrance to Shaftesbury Crescent on the inside of its junction with Farringdon Road. The appeal site does not, however, front onto Farringdon Road. Rather, it fronts Shaftesbury Crescent which, as with a number of other intersecting streets along Farringdon Road, is set at roughly 90° to it.
7. The fence in question does not enclose the appeal site's front garden, but rather its side and rear garden. However, because of its position in relation to Farringdon Road, it is in this context that the fence is principally seen. Here, the open and spacious feel created by the consistency of line, height and proportions of the low garden walls of properties on Farringdon Road is complemented by a similar boundary arrangement around the extensive forecourt and car parking area at the Sand Piper public house, opposite.
8. The fence at 1 Shaftesbury Crescent is, however, an abrupt and incongruous disruption to the consistency of boundary treatment found along Farringdon Road. It has a stark appearance immediately at the rear of the pavement edge which is not softened by it being set back behind the external face of the low boundary wall. Whilst I note that that low wall has been retained below the fence, and that as a consequence there is a degree of depth to the face of the fence and wall, it is nonetheless and stark and obtrusive feature in a prominent position within the estate.
9. Thus, I conclude that the scale, form and positioning of the fence fails to take adequately into account the nature, character and appearance of the surrounding area, contrary to policy H11 of the North Tyneside Council Unitary Development Plan 2002 (UDP), and the Council's Supplementary Planning Document - LDD11: Design Quality (SPD). Together, these seek to ensure high quality design that takes into account, amongst other factors, the impact of a proposal on its site and local amenity. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks high quality design.
10. I appreciate that within an estate layout such as this, corner plots present certain difficulties in addressing two separate road frontages. From my observations of the surrounding area I found such situations to be mostly sensitively handled, with well-maintained hedges typically providing additional height to side and rear garden boundaries where they adjoin Farringdon Road.
11. I have however been referred to a number of other examples of fences at the sides and rears of properties within the surrounding streets. I saw that these were very much in the minority and I do not know the exact circumstances of those cases or the policies that applied at the time of their consideration, or their current status. Moreover, I am satisfied that the context of those examples, and particularly their setting in relation to the wider street scene, differs sufficiently from the current proposal so as not to provide direct comparison. I have, in any event, considered the scheme before me on its own merits and thus I give these examples only limited weight in my consideration of this matter.

Other Matters

12. I have noted that there were no objections to the proposal from neighbours, or on highways grounds from the local highway authority, and I can understand the social and environmental reasons set out by the appellant as regards the

erection of the fence. These, though, are only neutral effects and are not sufficient to outweigh the harm to the character and appearance of the surrounding area that I have identified.

13. I note, too, the appellant's submission that the Council have suggested revised fence heights and designs that the Council consider to be acceptable. I have also noted an extract from Permitted development rights for householders: Technical Guidance, specifically in respect of Class E¹ Buildings, etc. However, the suggested alternatives do not form part of the current scheme, whilst the permitted development rights referred to do not relate to a scheme of type before me. I therefore give these matters only limited weight.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that this appeal should be dismissed.

Graeme Robbie

INSPECTOR

¹ Town and Country planning (General Permitted Development)(England) Order 2015 as amended by the Town and Country planning (General Permitted Development)(England)(Amendment) Order 2016.
