
Appeal Decision

Site visit made on 22 October 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/X1355/D/19/3234639

13 Bedale Close, Belmont, Durham DH1 2BB

- 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 David Kay against the decision of Durham County Council.
 - The application Ref DM/19/00514/FPA, dated 16 February 2019, was refused by notice dated 23 May 2019.
 - The development proposed is the erection of boundary fence (of 2m in height) to side and rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I have taken the description of development from the Council's decision notice as this is a more precise description of the development proposed. I have also included reference to the height of the proposed fence in the description.

Main Issues

3. The main issues are the effect of the development on 1) the character and appearance of the area and 2) the living conditions of neighbouring residents.

Reasons

Character and appearance

4. The appeal property is a two-storey detached dwelling located in a corner position in the street. The area around the appeal site is predominantly residential with dwellings mainly having open plan front gardens with higher boundary treatments where they enclose rear gardens. The open plan nature of the area adds positively and distinctively to its character and appearance.
5. The appeal proposal would enclose the side garden of the property, which currently has no boundary treatment, with a 2m high timber fence. The development would effectively result in the enlargement of the rear garden of the property due to its amalgamation with the side garden.
6. Due to its length, height and solid appearance, the fence would dominate this prominent corner site, appearing oppressive and incongruous. It would enclose

a significant and large area that is currently open and positively contributes to the spacious feel of the area.

7. The appellant has referred to other fences in the surrounding area and examples of where boundary treatments have been moved. Whilst I acknowledge that these do exist, most are not within the area immediately surrounding the appeal site, and those that are, are located to the rear of the property to which they relate and/or are not prominent; or do not enclose such a large area as the proposal. The examples do not alter my views expressed above about the character and appearance of the immediate area, and I consider some examples do demonstrate the harm that can be created by having dominant boundary treatments in the streetscene. Furthermore, I have dealt with this appeal on its individual planning merits and, in any event, although some planning references are quoted, I am not certain of the exact circumstances in all of the examples provided which led to these other boundary treatments being erected.
8. For the collective reasons outlined above, I therefore conclude that the development would be contrary to saved Policies H13 and H14 of the City of Durham Local Plan (2004). These policies require, amongst other things, that development should not have a significant adverse effect on the character or appearance of residential areas and that development in existing housing areas should respect, and where appropriate enhance, local character.
9. The development would also be contrary to Part 12 (Achieving well-designed places) of the National Planning Policy Framework (2019) (the Framework) which outlines, amongst other things, that decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting.

Living conditions

10. There is a pair of semi-detached residential properties to the rear of the appeal site. The proposed fence at the rear, would run adjacent to the driveway of the closest of these properties, no. 14 Bedale Close, where it would mainly be visible from the ground floor window of the room closest to the appeal site.
11. In considering the effect of the development on the living conditions of this property, it would not have an unacceptable impact on privacy or create unreasonable levels of noise or disturbance.
12. Due to the orientation of the property to the south of the appeal site and taking into account the height of the proposed fence, there would not be a significant or unreasonable impact on the levels of daylight and sunlight to the property.
13. Although the fence would be visible from the property, I find that this arrangement is not uncommon in a residential area and taking into account the height proposed, the fence would not cause unreasonable harm in terms of its impact on the outlook from the property.
14. I therefore conclude that the development would not result in unacceptable harm to the living conditions of the occupants of neighbouring residential properties. In this respect I consider that the proposal would comply with saved Policy H13 of the City of Durham Local Plan (2004) that requires, amongst other things, that development should not have a significant adverse effect on the amenities of residents within residential areas.

Conclusion

15. On the matter of character and appearance, I have found that the proposed development would cause unacceptable harm to the character and appearance of the area. On the matter of living conditions, I have found that the development would not have an unacceptable impact on the living conditions of neighbouring residents.
16. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR