



Appeal Decision

Site visit made on 22 October 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/V0728/W/19/3233922

18 Brocklesby Road, Guisborough, Cleveland, Teeside TS14 7PX

- 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 Malcolm Coote against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2019/0281/FF, dated 01 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is change of use of amenity land as an extension of residential curtilage including boundary fence.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use of the land on the character and appearance of the area, including the public open space.

Reasons

3. The appeal site is an L-shaped strip of land that extends from Brocklesby Road along the side of No 18 and wraps around the rear of the property. It is part of an area of public open space (POS) comprised of amenity grass with landscape planting and trees to either side of a pedestrian footpath that connects Brocklesby Road with other residential streets including Dunston Close, Rufford Close and Tedworth Close. It is in a residential area characterised by numerous cul-de-sacs connected to one another and the wider area by a network of footpaths set within corridors of POS.
4. The Redcar and Cleveland Local Plan Adopted May 2018 (the LP) recognises the importance of open spaces within residential areas, including in terms of contributing to the character and appearance of the area and through supporting healthy lifestyles and quality of life for local residents. Accordingly, Policy N3 of the LP sets out that areas of open space will be protected except in certain circumstances including where there is a proven excess of such provision, where the proposal would enhance the recreational facilities, or where alternative provision of at least equivalent benefit would be provided.
5. In this case, none of the exceptions apply. The Policy also sets out that in any case the loss of open space will not be allowed where it would harm the character and appearance of the area.

6. The appeal site is in a prominent position, being visible from Brocklesby Road and from locations in and around the POS, including the public footpath and properties on nearby streets. When viewed from Brocklesby Road, it would unbalance the symmetry and reduce the openness of the POS. It would result in an increased sense of enclosure beyond the rear of the property, where the space would narrow to either side of the path between the protruding corners of the proposal and 11 Dunston Close. Consequently, the large extent of fencing and the significant degree of encroachment into the POS would be visually obtrusive when viewed from Brocklesby Road and from locations to the side and to the rear.
7. To the rear of the appeal property, the proposal would protrude beyond the boundary of the adjoining property, 20 Brocklesby Road. It would therefore disrupt the smooth and continuous edge of the POS. The deep recessed corner that would be created immediately to the rears of No 20 and 2 Rufford Close would be an awkward and enclosed space that would not relate well to the adjoining gardens or to the POS. Consequently, the proposal would be detrimental to the otherwise open character of the POS and it would not make a positive contribution to the quality of the area.
8. Three trees to the side of the appeal property would be incorporated into the garden. They are relatively young and they are not individually significant. However, they serve to soften the otherwise hard appearance of the built environment and they contribute to the character and appearance of the area. Although he has previously explored the possibility of removing them, I note that the appellant confirms that he would retain the trees. However, given the proximity of No 29 and the proposed boundary treatment to the trees, there is likely to be future conflict as their canopies and root systems grow. Future occupiers may therefore seek to severely prune or remove the trees due to their potential effects on the boundary treatment or their impact on the proposed garden.
9. The loss of the trees or significant pruning would be detrimental to the character and appearance of the street scene and the POS. There would be cumulative harm in combination with the proposed change of use and enclosure of the land. Given their likely effects on the proposed garden and its boundary, I am not persuaded that their continuing contribution to the visual amenity of the area could be secured as part of the appeal scheme.
10. While the proposed brick and timber fence would be similar in height to boundary treatments elsewhere in the area, its design and materials would not be in keeping with the timber fences that characterise the edge of the POS. Consequently, it would be an incongruous form of development that would not respect or enhance its surroundings. Alternative plans have been provided which illustrate the enclosure of the land with wooden fence boards or panels between concrete posts. However, while this would mitigate the adverse effects of the proposal to some degree, it would not be sufficient to overcome the harm that I have found.
11. My attention has been drawn to properties elsewhere in the area where change of use of public open space has occurred. Although full details of those schemes are not before me, they appear to differ from the appeal proposal in a number of ways including in terms of location, size and relationship to adjacent properties and the open space. They are not therefore directly comparable to

the appeal proposal and they do not provide a justification for it. The appeal before me must in any case be considered on its own merits.

12. Therefore, the proposed change of use would result in significant harm to the character and appearance of the area, including the public open space. It would conflict with the development plan, including Policies N3 and SD4 of the LP. These require, among other things, that development does not result in the unacceptable loss of open space, respects and responds to local character and contributes to the quality of the area.

Other Matters

13. The deep corner area that would be created to the rear of the neighbouring properties would be a secluded and enclosed space. There is no substantive evidence before me to indicate that anti-social behaviour is currently a significant problem in the area. However, the design and layout of the proposal would increase the potential for anti-social behaviour and it would diminish the function and appearance of the POS as a high quality safe and secure environment. Therefore, the proposed change of use would be detrimental to residential amenity.
14. I accept that the land to the rear of Nos 18 and 20 becomes waterlogged and that the appellant's garage has been flooded in the past. However, notwithstanding the proximity of the garage to the boundary fence, there is little before me to demonstrate that there are no alternative means of addressing issues of land drainage.
15. I appreciate that the appellant does not want the side elevation of the property used for ball games. In this respect, I saw signs elsewhere in the POS prohibiting the playing of ball games by persons over 10 years of age. While I accept this would not prevent younger children from playing near to the appeal property, I am not persuaded that this problem could not in any case be addressed by alternative means that would not conflict with the development plan.
16. The proposal would create a larger garden for use by the appellant and his family. However, there is little before me to demonstrate that the existing private outdoor space associated with the property is not adequate to meet the basic needs of occupiers or that additional requirements for children's play could not be met by the immediately adjacent POS.

Conclusion

17. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR