
Appeal Decision

Site visit made on 13 January 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/M4510/D/19/3239435

4, La Sagesse, Newcastle Upon Tyne, NE2 3AF

- 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 and Mrs Brannen against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2019/0922/01/DET, dated 13 June 2019, was refused by notice dated 19 September 2019.
 - The development proposed is fencing at the rear of residential property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of clarity, I have omitted the address details and the word “retrospective” from the description of development in the banner heading above, as they do not form part of the description of the substantive application.
3. At the time of my site visit the development had already taken place and the fence was substantially complete. I note that the application has been submitted retrospectively. I have determined the appeal on that basis.

Main Issue

4. The main issue is the whether the proposal would preserve or enhance the character or appearance of the Jesmond Dene Conservation Area (CA).

Reasons

5. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of CAs. Policy UC14 and CS15 of the Core Strategy and Urban Core Plan 2015 (CSUCP) require development to, amongst other things, maximise opportunities to sustain and enhance the significance of heritage assets and their setting and respond positively to local character and distinctiveness which includes the setting of heritage assets.
6. The Jesmond Dene Conservation Area Character Statement (CACS) for Sub Area 1 which includes La Sagesse and Sub Area 5 which includes Towers Avenue, the street which bounds the appeal site, references the importance of

boundary treatments in the location stating; *In the east-west streets, garden boundary walls and the gate piers set in them, especially on Mitchell and Towers Avenues, are a very important part of the streetscape. They are generally well-built, and high enough to enclose the small front gardens but not so high as to obscure the houses from the view of passers-by, nor the view of passers-by from the houses.* The CACS goes on to note Towers Avenue and the historical street pattern leading to Jesmond Towers (former La Sagesse School) a Grade II* listed building located close to the appeal site.

7. The appeal property is within a development of modern executive houses and apartments but backs onto Towers Avenue, a wide, tree lined residential street of large semi-detached and detached properties set within spacious plots. Towers Avenue has a pleasant open and verdant feel that is evidently of some significance in the context of the CA and its relationship with Jesmond Towers and the former La Sagesse school site.
8. The rear boundary treatment of the appeal property and its immediate neighbours are formed by the original stone wall and iron railings that were part of the school site. The appeal proposal introduces a modern timber fence to the internal face of the railings thus providing a solid feature that I consider erodes the open character of the street scene.
9. I noted during my site visit that the majority of the boundary treatments on Towers Avenue consist of low walls or fences with established planting behind and to an extent this is mimicked by the properties within the new development and those adjacent to the appeal site where the open railings sit in front of dense evergreen shrubs and plants, thus affording residents with privacy whilst maintaining a soft, landscaped feel. When viewed in the context of the wider street scene, I consider that due to its design, materials and prominence in the street scene the appeal proposal appears as an incongruous and obtrusive feature that is at odds with the prevailing open character and therefore contrary to the design and placemaking aims of saved policy ENV1 of the Newcastle Unitary Development Plan 1996 (UDP) and Policy CS15 of the CSUCP.
10. Whilst I acknowledge the appellant's desire to enhance security and privacy at the appeal property, I consider that there would be other, softer options that would be more appropriate to the sensitive location. Nonetheless, I have no evidence before me that would suggest other options have been considered.
11. Given the above, I find that the proposal would fail to preserve or enhance the character and appearance of the CA and that it would cause harm to the designated heritage asset in design terms.
12. Taking into account Paragraph 196 of the National Planning Policy Framework (the Framework), the harm caused to the CA is less than substantial. Such harm must be weighed against any public benefits identified. Neither of the main parties has identified any public benefits associated with the development and there are none that I can identify. The appellant submits that the fence is required for security and privacy reasons and I acknowledge the letter of support from the Designing Out Crime Officer in this regard. However, these benefits would be principally of private benefit to the appellant and would not constitute the wider public benefits indicated in paragraph 196 of the Framework.

Conclusion

13. For the above reasons, I conclude that the proposed development fails to preserve or enhance the character and appearance of the CA. As a consequence, it does not comply with the design and conservation requirements of saved Policy ENV1 of the UDP, adopted Policies CS15 and UC14 of the CSUCP or the Framework.
14. Taking into account the above, and all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR