



Appeal Decision

Site visit made on 4 February 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/P2935/W/19/3240959

Land West of Dyke House, The Avenue, Medburn NE20 0JD

- 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 Rare Earth Medburn Ltd against the decision of Northumberland County Council.
 - The application Ref 19/01955/FUL, dated 18 June 2019, was refused by notice dated 07 October 2019.
 - The development proposed is erection of 2.1m High Double Slatted Fence Panel and a 2.7m High Close Board Fence and change of use of agricultural land to residential garden to 'plot one' in relation to 16/03777/FUL.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is described in the application form as 'erection of a 2.1m High Double Slatted Fence Panel and a 2.7m High Close Board Fence'. However, the application additionally sought permission for a change of use of agricultural land and its incorporation into residential garden. Therefore, in the interests of clarity, I have adopted the description of the development in the banner heading above from the decision notice and the appeal form.
3. At the time of my visit, I saw that the fence had been erected and the development appeared substantially complete. I have therefore determined the appeal on the basis that retrospective permission is sought for the development that has already been implemented.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including green infrastructure.

Reasons

5. The appeal site is part of a recent residential development known as North Carol Wood that includes several substantial detached dwellings set in large grounds with a shared access from The Avenue. The Avenue is a long and narrow rural road serving numerous properties of various ages and styles. Dwellings are generally separated from the road by low walls and planting, including hedgerows. There are additionally low metal rail fences to the entrance to North Carol Wood.

6. The appeal site has a long and prominent front boundary to The Avenue. As a result of the change in ground levels across the site, the side boundary is elevated above the road that separates it from Dyke House for much of its length. By virtue of its length, height and elevation, the fence is an imposing and dominant feature in the street scene. It is out of keeping with the more traditional boundary treatments elsewhere in the area. It does not relate well to the metal fence and wall at the entrance to North Carol Wood. Consequently, the fence is incongruous and visually obtrusive.
7. Although timber is a traditional building material, it does not follow that any or all timber structures will be traditional. In this respect, fences elsewhere in the area appear more modest in height, length and design. They are also not prominent in the street scene, being located to the side and rear boundaries of plots. In contrast, the appeal fence is a conspicuous, discordant and overtly modern feature.
8. Furthermore, by virtue of its excessive length and height, the fence results in a sense of enclosure and separation and it is not integrated into its surroundings. While the fence may be in keeping with the scale of the substantial modern dwellings and large plot sizes, it does not contribute to the sense of place or enhance the quality, distinctiveness or character of the area.
9. The scheme has not been implemented in accordance with the details on the submitted plans. The fence, as constructed, has a continuous smooth surface facing inwards towards the gardens and the supporting framework of posts and rails faces outwards. By virtue of its height and length, the fence does not make a positive contribution to the street scene and the adverse visual impact is further compounded by its design.
10. Policy PNP10 of the Ponteland Neighbourhood Plan Made Version Adopted November 2017 (the PNP) requires that development protects and improves green infrastructure. Green infrastructure is defined in the glossary to the National Planning Policy Framework as a network of multi-functional green space which is capable of delivering a wide range of environmental and quality of life benefits for local communities. In this case, the fence is a hard feature that does not make any contribution to green infrastructure. Moreover, while it provides a private benefit to the appellant, the fence does not deliver environmental or quality of life benefits to the wider community.
11. Therefore, the development results in significant harm to the character and appearance of the area and it fails to contribute to green infrastructure. It conflicts with Policies PNP2 and PNP10 of the PNP. These require, among other things, that development contributes to a sense of place by protecting and adding to the quality, distinctiveness and character of the area, including in terms of massing, height, size and design, and by fully integrating high quality green infrastructure.

Other Matters

12. The Council has confirmed that it has no concerns in regard to the change of use of the agricultural land. Given its small size and location to the rear of the site, I see no reason to disagree.
13. The appeal scheme does not result in harm to the safe operation of the highway or to the living conditions of neighbouring residential occupiers. These

are requirements of planning policy and they do not weigh in favour of the scheme.

14. The appeal site is not in the Green Belt, a designated landscape or a conservation area. Nevertheless, the scheme diminishes local character and distinctiveness. Neither the absence of a character statement for the area nor development elsewhere that has altered the historic settlement pattern provides a justification for the scheme.
15. The fence provides a secure boundary. However, there is nothing before me to indicate a need for enhanced security in this location or that similar benefits could not be achieved by alternative means that would not conflict with the development plan. Therefore, this does not weigh in favour of the scheme.
16. While garden planting can be beneficial to wildlife, the fence does not provide habitat for wildlife. Moreover, although gaps in fences can provide connectivity for species such as hedgehogs, there is little before me to indicate that there would be suitable gaps in the appeal fence. On that basis, the fence is a barrier to the movement of wildlife and it does not deliver biodiversity benefits.
17. Approval was granted in 2017 for a hybrid application comprising an outline application for 1 dwelling and a full planning application for 5 dwellings (ref 16/03777/FUL). The evidence before me indicates that the approved boundary treatments included hedgerows and not continuous fences. Therefore, the fallback position of the approved scheme would make a significant contribution to the provision of green infrastructure. Consequently, it is not comparable to nor does it provide a justification for the appeal scheme.
18. Amended plans submitted with the appeal illustrate, among other things, a reduction in the height of part of the fence to the rear of the site. These were not the plans that were considered by the Council or upon which the views of interested persons were sought. However, the relatively minor amendments would not mitigate the significant adverse effects on the street scene and they would not make any different contribution to green infrastructure.

Conclusion

19. I have found that the development conflicts with the development plan and there are no material considerations that would outweigh that harm. For this reason, the appeal is dismissed.

Sarah Manchester

INSPECTOR