



Appeal Decision

Site Visit made on 26 May 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2021

Appeal Ref: APP/W4515/W/21/3267915

8 Grenada Place, Whitley Bay NE26 1HY

- 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 Sharon Cockburn on behalf of residents of 8 Grenada Place and 7 St Johns Place against the decision of North Tyneside Council.
 - The application Ref 20/01073/FUL, dated 2 August 2020, was refused by notice dated 1 October 2020.
 - The development proposed is to erect a 1.8m high fence to the land at the rear of 8 Grenada Place and 7 St Johns Place in order to create two private garden spaces (Retrospective Planning Application).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of clarity and brevity, I have used the description of development from the Council's decision notice.
3. The appeal form states that the appeal site address is 8 Grenada Place, Whitley Bay NE26 1HY which I have stated in the banner heading above. I do note however that the appeal site includes the parcel of land between 8 Grenada Place and 7 St Johns Place.
4. At the time of my site visit, the high fence had been erected to the rear of 8 Grenada Place and 7 St Johns Place. I have dealt with the appeal accordingly.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area, (ii) the living conditions of occupiers of 6 Grenada Place and 5 St. Johns Place with regards to outlook and (iii) the adjacent Local Wildlife Site (Brierdene) and Wildlife Corridor.

Reasons

Character and appearance

6. The surrounding area is characterised by densely populated residential properties of which some have small private amenity areas. The immediate surroundings have various elements of boundary treatment which are interspersed with areas of open spaces. These include two large open areas between the properties of Grenada Place, St Johns Place and St Vincent's Place that have mature trees and planting. It is this combination of built development

- and open spaces within this residential setting that contributes positively to the character of the area.
7. The proposal encloses a parcel of open land, which is in the ownership of the residential properties of 8 Grenada Place and 7 St Johns Place. The enclosing of the land, with the high boundary fencing results in the loss of an important open area that provides visual relief within the expanse of houses in the area. The boundary treatment is set back from Grenada Drive by some 17 metres however it is a prominent feature within the immediate setting and from views from Grenada Drive. Due to its size and length, the boundary treatment is a vast expanse of built development that is overbearing and a discordant structure.
 8. It is indicated that the site does not fall within designated Local Green Space, Open Space or Wildlife Corridor and the land is retained as garden space so there is no loss of green infrastructure. The appeal site is not within a conservation area and there are no Tree Preservation Orders on the site. Nevertheless, the erection of a substantial boundary fence removes the open aspect of the site that is detrimental to the visual appearance of the area.
 9. Section 8 of the National Planning Policy Framework (the Framework) supports the promotion of healthy and safe communities, and the appellant has indicated that the proposal allows both families, of 8 Grenada Place and 7 St Johns Place, to enjoy healthy outdoor lifestyle. These properties do have other outdoor amenity areas other than those created by the proposal and whilst I accept they are smaller areas, they still provide residents with private facilities which contributes towards having healthy lifestyles.
 10. The proposal does increase security by reducing the risk of trespassers including from Brierdene to the north which could contribute to the reduction in crime and anti-social behaviour. The proposal also provides a safer environment for younger children. However, no substantial evidence has been provided showing trespassing was a significant concern and given the appeal properties had private garden areas prior to the proposal being implemented, I do not consider these matters outweigh the harm I have described above.
 11. I have had regard to the appellants statement of case and appendices which include examples and photos of other boundary treatment in the area as well as fences and walls at 1, 3, 5 and 7 Grenada Place, 7 St Johns Place and 2, 4 and 6 St Vincent's Place. I also observed some of these boundary treatments at my site visit and note that they are highly visible from the public realm and some of similar materials as the proposal. Insufficient information has been provided on these boundary treatments to indicate whether they had formal planning permission. These boundary treatments do not encroach into the wide open spaces between the residential units of Grenada Place, St Johns Place and St Vincent's Place. They are not directly comparable to the appeal proposal which creates a vast structure that detracts from the open appearance of the area.
 12. My attention has been drawn to examples of boundary treatment that has been granted planning permission¹. However, I do not have full details of these schemes and so cannot be sure that they represent a direct parallel to the

¹ Local Planning Reference Numbers: 17/00931/FULH and 20/00472/FULH

appeal proposal, including in respect of location and relationship with open space. In any case, I have determined the appeal on its own merits.

13. Accordingly, the proposal does have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan 2017 (NTLP), the North Tyneside Council Design Quality Supplementary Planning Document 2018 and the Framework which seeks proposals to demonstrate a positive relationship to neighbouring buildings and spaces, protect and enhance accessible green space and infrastructure.
14. The appellant has made a suggestion to reduce the height of the proposal fence to 1.5 metres however, my assessment is on the proposal subject of this appeal which relates to a 1.8 metre high fence.

Living conditions

15. The proposal fence immediately borders the land to the rear of 6 Grenada Place and 5 St Johns Place. The proposal fence is set a significant distance from the windows in these properties and is mostly screened by the existing boundary treatment to the rear of these properties. Due to the proposals location, the fence does not have an overbearing effect and does not adversely compromise the living conditions of neighbouring occupiers with regards to outlook.
16. The proposal does not harm the living conditions of the occupiers of 6 Grenada Place and 5 St Johns Place with regards to outlook. The proposal accords with Policies S1.4 of the NTLP which seeks development to be acceptable in terms of their impact on local amenity

Local Wildlife Site (Brierdene) and Wildlife Corridor

17. The appeal site immediately borders a large area of designated open space and a Local Wildlife Site which is also a designated wildlife corridor. The appeal site does not lie within these designations. There is a concern that the introduction of a solid fence will affect the movement of wildlife to and from the adjoining wildlife corridor. The Local Wildlife Site is a vast area and is separated from the appeal site by boundary treatment. Insufficient evidence has been provided to convince me that the restriction of movement of wildlife through the appeal site would have a harmful effect on the Local Wildlife Site and designated wildlife corridor.
18. The trees and shrubs on the site are not protected by Tree Preservation Orders or by being within a conservation area, and therefore they are susceptible to being removed. This threat of removal would remain, irrespective of this proposal and therefore does not alter my findings above.
19. Consequently, from the evidence before me, I find that the proposal does not harm the adjacent Local Wildlife Site (Brierdene) and Wildlife Corridor. The proposal would not be contrary to DM5.5, DM5.7 and S5.4 of the NTLP which seeks development within the wildlife corridor to protect the quality and connectivity and protect biodiversity and geodiversity.

Other Matters

20. There has been support for the scheme as well as concerns raised, including in relation to ownership, access, precedent, and emergency services. I have given

careful consideration to these matters, but they do not lead me to a different overall conclusion on the main issues.

Conclusion

21. I have found that the proposal does not compromise the living conditions of neighbouring occupiers or the adjacent Local Wildlife Site (Brierdene) and Wildlife Corridor. However, these matters do not outweigh the significant harm I have identified with regards to character and appearance.
22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
23. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR