



Appeal Decision

Site visit made on 2 September 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2021

Appeal Ref: APP/W4515/W/3279923

7 Greenhills, Killingworth, Newcastle upon Tyne NE12 5BR

- 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 Mick Trett against the decision of North Tyneside Council.
 - The application Ref 21/00809/FUL, dated 18 March 2021, was refused by notice dated 7 July 2021.
 - The development proposed is for a retrospective boundary treatment (new fence installation) timber close boarded 1800mm high with gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development within the Council's decision differs from that given within the application form. There is no evidence to suggest that the appellant agreed to the altered description. In my heading above I have reverted to the description shown on the application form.
3. During my site visit I saw that the development had been completed. I have dealt with this appeal on that basis.
4. The minutes of the Council's committee report cite two reasons for refusal relating to the effect of the fence upon the character and appearance of the area and highway safety. However, the decision issued, and which forms the basis of the appellant's statement of case, only refers to character and appearance. I have determined this application on the basis of the Council's decision notice alone.

Main Issue

5. The main issue is the effect of the new fence on the character and appearance of the area.

Reasons

Character and appearance

6. The appeal dwelling forms one half of a pair of semi-detached residential properties. It sits within a short row of four properties in an open position at the entrance to the estate directly opposite an area of open space designated as Green Belt. These garden frontages are open plan and spacious. In the case

- of the appeal property prior to erection of the 1.8 metre high close-boarded fence, the open area would have extended round the corner along Green Hills.
7. The original boundary treatment design matched similar treatments throughout the estate and consisted of three brick pillars with timber infill panels set-back from the pavement edge. When looking into the estate from the highway at the front of the property, this design would have given open views of a visitor parking area, other dwellings and the road beyond. The openness of this corner area was in all probability part of the original estate landscape design.
 8. Although the appeal fence does not enclose the whole garden, leaving an open section to the front, it is still highly visible and creates an incongruous and enclosing feature within the streetscape. Its effect is amplified due to its height, length, close-boarded design and its position directly bordering the pavement.
 9. The appellant has indicated that the fence has been erected due to problems associated with dog fouling and litter. Furthermore, I sympathise with the desire to provide additional garden space for a young family. However, it is possible that a less intrusive boundary treatment could alleviate these problems without the associated visual intrusion caused by the fence.
 10. There are other timber and timber and brick pillar boundary treatments adjacent to the highway at various places throughout the estate. The original brick and timber panel fences are part of the original design and would not accord with the most recent policy and guidance. They do not therefore act as a precedent for further similarly located fencing.
 11. Planning permission was previously given in 2004 for a garage conversion and side extension to this dwelling. However, the details and circumstances surrounding this have not been submitted to me. Furthermore, the application for the extension pre-dates the current local plan and was in all probability determined within a different policy framework when compared with the current appeal.
 12. In conclusion, the fence harms the character and appearance of the area and does not accord with Policy LDD11 of the Design Quality Supplementary Planning Document. This seeks appropriate boundary treatments with particular presumption against long sections of high close-board fence adjacent to public areas. It is also contrary to Policies DM6.1, DM6.2 and S1.6 of the North Tyneside Local Plan 2017 which together and amongst other matters, seek development specific to place, considers the impacts of a proposal upon the built and natural environment and has consistent design standards.
 13. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR