



Appeal Decision

Site visit made on 7 September 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/ J4525/D/21/3275135 11 Rotherham Road, Sunderland SR5 5QT

- 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 Adam Potts against the decision of Sunderland City Council.
 - The application Ref 21/00216/FUL, dated 29 January 2021, was refused by notice dated 16 April 2021.
 - The development proposed is erection of new boundary fence (Retrospective)¹.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The boundary fence has already been erected. The main issue is therefore its effect on the character and appearance of the street scene.

Reasons for the Recommendation

5. No.11 is a two-storey semi-detached dwelling located on a corner plot at the junction of Rotherham Road and Reading Road in Sunderland. The surrounding area is residential and street scene is predominantly characterised by two-storey semi-detached dwellings set back from the road with front gardens

¹ Taken from Council's decision notice as is more succinct.

enclosed by low brick walls, some of which also have low wrought iron railings, low hedges, or low timber boarding. The generally low means of enclosure to front gardens is an integral part of the character of the area which maintains an open feel with a clear visual relationship between the front gardens and the street.

6. The appeal property being a corner plot has a sizeable garden area which fronts Rotherham Road as well as the beginning of Reading Road. The boundary wall by virtue of its overall height and scale contrasts with the prevailing appearance of boundary walls in the area. Due to its location, it is prominent when viewed from the street and is visually incongruous with the street scene.
7. I acknowledge the appellant's argument that the Council's assessment was based on a virtual survey² in which the overall height of the fence stood out but was not finished and would be trimmed as observed on my visit to the site. However, the drawings submitted in support of the appeal depict a 1.8 metre fence which is not in keeping with the character of the street.
8. The appellant also notes that the property opposite, No. 30 Rotherham Road, has a fence running alongside the property and that the Vicarage has also erected around a 5-metre wall. Based on my observations on visit to the site I consider these estimates to be slightly exaggerated. Nevertheless, the boundary treatment at no.30 is not fronting the property and is next to a paved public footpath and grass verge. Low front walls are still a predominant feature of the street and they contribute significantly to the character of the area. In any event, it is not clear if permission was granted for those examples and their presence does not set a precedent for the proposal in this case.
9. It is necessary to consider the merits of the appeal development. In that context, the new front boundary fence constitutes an uncharacteristic addition to the street scene. The existence of other development is not a strong enough reason to justify visually harmful development. I note the appellant's comments regarding anti-social behaviour, but little direct evidence has been provided and I am not convinced that any trespassing into the garden could not be discouraged through other less harmful means such as lower boundary treatments and/or planting, as appears to be the case in the majority of gardens in the area.
10. Taking all the above points together, I find that the height and design, of the proposed new front boundary wall would harm the character and appearance of the street scene. The other considerations advanced do not outweigh the harm which would be caused by the proposal. Accordingly, there would be conflict with the aims and objectives of policy BH1 of the Sunderland City Council's Core Strategy and Development Plan 2015-2033 (2020) which seeks amongst other things to ensure that new development is of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

² Google image capture, March 2021

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

12.I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR