



Appeal Decision

Site Visit made on 17 November 2021

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/W0734/D/21/3280655

1 Grey Towers Drive, Middlesbrough TS7 0LS

- 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 Kathryn Simpson (Xpand Design Ltd) against the decision of Middlesbrough Council.
 - The application Ref 21/0326/FUL, dated 27 April 2021, was refused by notice dated 5 July 2021.
 - The development proposed is relocation of timber fence to rear/side elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the Council's determination of the planning application the revised National Planning Policy Framework (the Framework) was published. However, there are no substantive changes relevant to the appeal before me and therefore no party would be prejudiced by my referring to the 2021 version of the Framework.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

4. The appeal site is located at 1 Grey Towers Drive and is adjacent to the junction between Grey Towers Drive and Guisborough Road. It is in a residential area predominantly characterised by larger detached and semi-detached dwellings with large rear gardens. There are varying styles of boundary treatments to dwellings in the locality. These include walls, timber fencing, and hedges, which all vary in scale.
5. Whilst I accept there are varying styles and scales of boundary treatments in the locality, there are certain commonalities. Boundary treatments immediately adjacent to highways are generally low-level fencing or walls, sometimes with hedges immediately behind them, or mature hedges on their own. I saw that this is particularly the case around junctions on to Guisborough Road. Consequently, the area has a characteristic leafy and open character.
6. The proposal is to relocate the existing close boarded fence towards the highway, extending the enclosed garden space to the rear of the dwelling. The additional area which would be enclosed by the proposal is currently open and

contains two trees which are part of a wider group Tree Preservation Order. It is bounded by a low existing hedge adjacent to the highway.

7. I acknowledge that there are several locations within the immediate area where higher boundary fencing is in place where dwellings back on to Guisborough Road. However, in many of these locations the boundary fences are set back from the carriageway beyond grass verges and/or footpaths. In addition, a proportion of these fences are partially or wholly screened by vegetation softening their appearance. Therefore, they are less prominent in the street scene than the proposal would be.
8. I recognise that there is a section of existing high fencing immediately adjacent to Guisborough Road which forms the rear boundaries of dwellings neighbouring the appeal site, and also a section along the boundary of the site with Grey Towers Drive. However, as set out above, this fencing and its location is not the prevailing boundary treatment in the area nor characteristic.
9. Therefore, the continuation of the existing higher fencing of the neighbouring dwellings along Guisborough Road would be inconsistent with the prevailing boundary treatments. It would intensify the presence of higher boundary treatments within the street scene at a visually prominent location on the corner of a junction.
10. The dwellings adjacent to junctions onto Guisborough Road in the immediate surrounding area mainly have hedges or low boundary treatments set back from the carriageway irrespective of whether they front or back on to the highway. An example of this is the dwelling opposite the appeal site at the junction between Grey Towers Drive and Guisborough Road which has a low wooden fence forming the rear garden boundary. The predominantly green and open character and appearance of the area is therefore particularly apparent around these junctions.
11. I appreciate that the proposal allows for the retention of a section of existing hedgerow adjacent to the sub-station on the immediate corner of the junction between Grey Towers Drive and Guisborough Road. Whilst this retention would help to soften the appearance of the proposal in part it would not be substantial enough to mitigate its overall impact on the character and appearance of the area.
12. Consequently, I find that the proposal would be overly dominant at a visually prominent junction which has an existing open character. I therefore conclude that the development is contrary to Policies CS5 c) and f), and DC1 b) of the Middlesbrough Local Development Framework Core Strategy (2008) which require that development is of a high standard of design and quality that enhances the built environment and is well integrated with the immediate and wider context. It is also contrary to paragraphs 130 and 134 of the Framework, which amongst other things, require that developments are sympathetic to local character.

Other Matters

13. I accept that the proposal would increase the useability of the space which would be enclosed by the revised fence. I also note that the appellant has evidently attempted to work with the Council to arrive at a mutually agreeable solution. Nevertheless, and as my decision must be based on the scheme

before me, in light of the foregoing no other matters are sufficient to outweigh my overall conclusion regarding the unacceptability of the development proposed.

Conclusion

14. For the reasons outlined above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR