



Appeal Decision

Site visit made on 18 January 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/W4515/D/21/3285602

1 Langdon Close, North Shields NE29 9HN

- 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 Andrew Gray against the decision of North Tyneside Council.
 - The application Ref 21/01717/FULH, dated 22 July 2021, was refused by notice dated 1 October 2021.
 - The development proposed is removal of existing 2.4m high leylandii hedge and construct a 1.8m high close boarded fence to the site boundary.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the immediate surrounding area.

Reasons

3. The appeal site is located in a residential area primarily comprised of 2-storey semi-detached dwellings. These are predominantly set back from the highway a short distance behind front gardens and private drives. There are varying styles of front boundary treatments to dwellings in the locality. These include low brick walls, timber fencing and hedges, which vary in scale.
4. Whilst I accept there are varying styles and scales of front boundary treatments in the immediate surrounding area, including some with taller wooden fences, there are certain commonalities. Front boundary treatments immediately adjacent to highways are predominantly low brick walls. Consequently, the immediate surrounding area has a prevailing open character and appearance to the frontage of dwellings.
5. The proposal would remove the existing tall hedge adjacent to the low brick wall that forms the majority of the front boundary of the appeal property and would replace it with a marginally lower close boarded fence. This would match the short section of fence which is already erected on part of the front boundary.
6. The erection of the fencing would introduce a more solid, imposing, and obtrusive front boundary treatment to the long boundary of the corner plot which is in a key location in the street scene. It would be an incongruous addition and detrimental to the prevailing open character and appearance of

the immediate surrounding area by virtue of its design, scale, and materials to be used.

7. I acknowledge that the appellant has provided a number of examples of similar scale fences to that proposed which have been erected on front boundaries of other dwellings in the surrounding area. I note that the Council has advised that these other fences do not appear to have planning permission and have not been the subject of enforcement action. The appellant suggests that regardless of their planning status they represent precedents.
8. However, I am not aware of the particular circumstances relating to these other fences and if they are acceptable to the Council. In any event, I must consider the appeal scheme on its own merits in the context of up-to-date national and local planning policies. Notwithstanding this, the existence of similar fences in the locality, irrespective of their planning status and the lack of objections to them and also the appeal proposal, does not justify the harm that I have identified in this case.
9. Consequently, I find that the proposal would be overly dominant at a key location in the street scene which has a predominantly open character and appearance. I therefore conclude that the development would be contrary to Policies S1.4, DM6.1, and DM6.2 of the North Tyneside Local Plan (2017). These policies taken collectively require proposals to demonstrate that they are of a high and consistent design based on clear analysis of the characteristics of the site, its wider context, and the surrounding area.
10. The proposal would also not accord with the principles of the Design Quality Supplementary Planning Document (2018) (the SPD). This states that boundary treatments should be appropriate to the appearance, style and scale of the building and street scene and that corner properties require careful consideration. It also states that where estates have been designed to be open plan then additional fencing which changes their character is unlikely to be acceptable. The SPD also only identifies high timber fencing as being appropriate for rear gardens not visible from the public realm.
11. The proposal would also be contrary to guidance in the Framework, which amongst other things, requires that developments are sympathetic to local character.

Other Matters

12. I accept that the maintenance of the existing front boundary hedge is becoming more onerous for the appellant and that the proposal would remove this task. Nevertheless, in light of the foregoing this matter is insufficient to outweigh my overall conclusion regarding the unacceptability of the development proposed.

Conclusion

13. 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