



Appeal Decision

Site visit made on 10 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/X1355/D/22/3291346

24 Leander Avenue, Chester-Le-Street DH3 4BH

- 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 Finn against the decision of Durham County Council.
 - The application Ref DM/21/03148/FPA, dated 8 September 2021, was refused by notice dated 9 December 2021.
 - The development proposed is a 1.8m fence along the boundary of the garden of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issue

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

Reasons

4. The appeal property is a two-storey semi-detached dwelling. It is located on a prominent corner plot adjacent to a small triangular shaped area of open space. The fence surrounds the front and side garden of the property. The vast majority of surrounding properties are characterised by having front gardens that are surrounded by low boundary treatments, including some hedges.
5. Due to its length, height and solid appearance, the fence dominates this prominent corner site, appearing oppressive and incongruous. The extent of the fence, that covers almost the entire frontage, results in the ground floor of the property no longer being visible from, or contributing to, the street-scene.
6. I acknowledge that the appeal property was surrounded by a hedge of a similar height and roughly the same line of the installed fence. As demonstrated in the evidence, unlike the fence, such landscape features provide a softer and more natural appearance that does not have the same harmful impact on the character and appearance of the area as the fence.
7. The development therefore causes significant harm to the character and appearance of the area. It is contrary to Policies 29 and 31 of the County Durham Plan (2020) that seek to ensure, amongst other things, that

development proposals contribute positively to an area's character and do not create visual dominance.

8. The development is also contrary to guidance contained in the Residential Amenity Standards Supplementary Planning Document (SPD) (2020), which outlines, amongst other things, that the design of boundary fences, particularly on highway frontages, plays an important role in defining the character of all residential areas, and that means of enclosure can be very prominent in the street scene, and can have a high visual impact. The SPD continues that it is important to ensure that the style and materials match or compliment the existing style of the boundary treatment in the surrounding area or, where appropriate, the dwelling itself.
9. It is also contrary to the National Planning Policy Framework (2021) which requires developments to be visually attractive and sympathetic to local character.

Other Matters

10. I was able to view the fence from within the property and could see how that it serves to provide increased privacy and a more useable garden area than the smaller, north facing rear garden. It also provides what gives the sense of a more secure area for children to play. Although such factors weigh in favour of the appeal, and are promoted by elements of development plan policy, they do not outweigh the harm I have identified.
11. The appellant has indicated that they would stain the fence, or that the natural weathering of the wood will soften its appearance. Whilst this would to a degree improve the appearance of the fence, this would not overcome my concerns about it being prominent and dominant in the street-scene.
12. The appellant has referred to other fences in the surrounding area. Whilst I acknowledge that these do exist, they are not within the area immediately surrounding the appeal site and so do not alter my views expressed above about the character and appearance of the locality. For the most part, the examples do not wrap around the entire frontage, and those that do, serve to demonstrate the harm that can be caused by inappropriate boundary treatments.
13. Furthermore, I have dealt with this appeal on its individual planning merits and, in any event, I am not certain of the exact circumstances which led to these other boundary treatments being erected.

Conclusion

14. The development therefore conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
15. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR