



Appeal Decision

Site visit made on 22 March 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/X1355/D/22/3294649

18 Tanmeads, Nettlesworth, Chester-le-Street, Durham DH2 3PY

- 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 Mrs Helen Jones against the decision of Durham County Council.
- The application Ref DM/21/03492/FPA, dated 6 October 2021, was refused by notice dated 28 January 2022.

The development proposed is described as a "fence constructed on top of boundary wall".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence subject of this appeal has already been constructed and planning permission has been sought retrospectively. I have determined the appeal on this basis.

Main Issue

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

Reasons

4. Policies 29 and 31 of the County Durham Plan (CDP), amongst other matters, require that new development contributes positively to an area's character and not be visually dominant.
5. The appeal property occupies a corner plot as a consequence of a bend in the road, as opposed to a junction. As such the side garden runs parallel to the road, which I note is the principle road serving the estate. The fence subject of this appeal is located atop the boundary wall to the side garden, projecting beyond the side elevation of 18 Tanmeads and the front elevation of 20 Tanmeads. Consequently, the fence is in a visually prominent position.
6. At the site visit I saw other examples of fences to corner properties in the local area. 40 Tanmeads is specifically referred to by the appellant. However, in contrast to the appeal proposals, the fence to the side garden is parallel to a small cul-de-sac and as such was notably less visually prominent.
7. Residents have a reasonable expectation to privacy in their private gardens, this usually necessitates some form of boundary treatment. I saw at the site visit that the fence was lower than the typical fencing, such that the level of

privacy afforded by the fence was low and that taller fencing still enclosed the small rear garden of the property affording a level of privacy there.

8. As a result of the fence projecting significantly beyond the front elevation of No.20 and the position of the side boundary adjacent to the principle road in the estate, I find that fence is a prominent and incongruous feature in this prominent location. Thus, the appeal scheme is contrary to Policies 29 and 31 of the CDP.

Other Matters

9. I note a number of residents have raised objections to the appeal scheme, these largely relate to matters concerning highway safety. I note however that no objection has been raised by the Council's Highways department and based on the evidence before me and my observations on site I am satisfied that the appeal scheme does not harm highway safety.
10. The appellant has referred to a potential fall-back position of a somewhat lower fence being allowed under permitted development. However, to afford a fall-back position some weight as a material consideration, such a position should have a similar or greater effect than the appeal scheme. In this instance, a lower fence would have a less significant and less harmful impact on the character and appearance of the area. As such, the fall-back argument presented by the appellant does not outweigh the harm I have identified previously.

Conclusion

11. The proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Mr M Brooker

INSPECTOR

