



Appeal Decision

Site visit made on 23 March 2022

by C Megginson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/M4510/D/22/3290440

16 Goswick Drive, Gosforth, Newcastle upon Tyne NE3 2BE

- 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 Stuart Clarke against the decision of Newcastle Upon Tyne City Council.
- The application Ref 2021/2000/01/HOU, dated 3 October 2021, was refused by notice dated 16 November 2021.

The development proposed is described as the 'construction of a boundary fence to the south facing side of the property to provide privacy for a sun terrace (sunlight in the back garden is very restricted), similar to other existing installations on properties on the housing estate. The south side of the property was previously of no use. Because the work has already been completed, photographs of the fence are included in this application along with a diagram showing dimensions of the fence and wall adjacent the highway on Acomb Crescent.'

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development on:
 - the character and appearance of the streetscene.
 - highway safety.

Procedural Matter

3. From my site visit and on the basis of the evidence before me, the fencing has been completed and therefore the appeal seeks permission retrospectively.

Reasons

Character and appearance

4. The appeal property is situated on a prominent corner plot, fronting onto Goswick Drive, with the side elevation facing Acomb Crescent, and is visible for some distance along Acomb Crescent and Belsay Gardens. While there are some examples of tall fences adjacent to the pavement in the estate, these are not seen with the appeal site. Properties in the adjacent streets are predominantly low brick walls, some with low fences on top and boundary hedging to the front. These low boundary features give the streetscene a pleasing, open feel.

5. Unlike any previous hedge that would have added to the verdancy of the streetscene, the height and length of the fence that wraps around the two roadside boundaries of the site, results in a large, harsh, obtrusive and incongruous feature in the street scene which is at odds with the prevailing character and can be seen in views from several nearby streets.
6. I conclude that the development harms the character and appearance of the streetscene and conflicts with the design and character protection aims of Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) and Policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan (2020) and the National Planning Policy Framework (the Framework).

Highway Safety

7. I appreciate that the widened driveway allows cars to be parked off street and that the users may reverse into the drive. Nevertheless, the position of the high fence either side of the driveway, severely restricts visibility along Acomb Crescent for vehicles exiting both the drive of the host property and that of 30 Belsay Gardens. Even when leaving in a forward gear, the front of the car would be across parts of the pavement before the driver could see pedestrians approaching and vice versa. This results in an unacceptable risk to highway safety for the pedestrians using the footpath. I have no details of the size or position of the previous hedge at the site and so cannot be sure it would have the same effect as the fence now in place.
8. My attention has been drawn to other fences and vegetation in the area, that the appellant claims have a similar impact on highway safety. On my site visit I noticed a few examples of this due to overgrown vegetation. However, this is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
9. As such, it would be contrary to Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) and Policy DM14 of the Newcastle upon Tyne Development and Allocations Plan (2020) and the Framework, which together seek to secure safe pedestrian routes and minimise conflict between vehicles and other users.

Other Matters

10. Whilst there is a letter of support for the fence, a lack of opposition for a scheme is not a reason in itself to allow a development that is unacceptable.

Conclusion

11. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C. Megginson

INSPECTOR