



Appeal Decision

Site visit made on 9 May 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J4525/W/22/3293443

2 Tollerton Drive, Sunderland SR5 3DQ

- 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 Ali Kaya against the decision of Sunderland City Council.
 - The application Ref 21/02784/FU4, dated 2 December 2021, was refused by notice dated 25 January 2022.
 - The development proposed is described as “retrospective erection side fence”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, the fencing was in place. I have dealt with the appeal accordingly.

Main Issue

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

Reasons

4. The area surrounding the appeal site is characterised predominantly by residential properties with the Ringway highway flanked on both sides mainly with a mix of woodland, open space areas and the built form. It is the mix of built development with trees and open areas which contribute positively to the character of the area.
5. The appeal fence is positioned against the footpath and utilises the existing brick pillar. Given its height and location, it appears as a dominant and obtrusive feature that has an overbearing feel on the adjacent footpath and is highly visible on approaches from the east and west along Ringway. The side elevation of the appeal property is adjacent to Ringway and the loss of the open space area to the side of the property compromises the character of the area.
6. There is fencing and walls to the rear of properties on Stanstead Close. However, this boundary treatment is not directly comparable to the appeal scheme, as they enclose the rear garden areas of the Stanstead properties whereas the appeal property has a different relationship with Ringway. It is also noted that the majority of the boundary treatment to the rear of these Stanstead properties are set away from the highway with some open space visible.

7. Planning permission was not required to remove the hedge which was previously located at the site and the appellant has indicated that the site has not been a grass verge for several years. Whilst the appeal fence does distinguish between public and private space, the size, location and relationship of the fence with the surrounding built and natural environment does not reflect other boundary treatment in the area and is not sympathetic to the character of the area.
8. Accordingly, the appeal fence is an incongruous structure that is harmful to the character and appearance of the surrounding area. The fence is contrary to Policy BH1 of the Sunderland City Council Core Strategy and Development Plan 2020 and the National Planning Policy Framework (the Framework) which seeks development to be of a scale and appearance which respects and enhances the positive qualities of the locality.
9. I have had regard to the appellants statement of case including comments regarding communication with the Council case officer. Whilst I have some sympathies in this regard, this matter does not alter my findings above and the conflict with the development plan.

Conclusion

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
11. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR