



Appeal Decision

Site visit made on 16 May 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/P2935/D/23/3318595

4 Admington Court, Stakeford, Choppington, Northumberland NE62 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Paul Fram against the decision of Northumberland County Council.
 - The application Ref 22/02969/FUL, dated 12 August 2022, was refused by notice dated 22 December 2022.
 - The development proposed is described as: proposed new rear/side 2.000m high timber fence with concrete posts - extended 1600mm at the side of the property.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new rear/side 2.000m high timber fence with concrete posts - extended 1600mm at the side of the property at 4 Admington Court, Stakeford, Choppington, Northumberland NE62 5BP in accordance with the terms of the application, Ref 22/02969/FUL, dated 12 August 2022, and the Proposed Site Plan – Fence Line; Proposed New Timber Fence at 4 Admington Court NE62 5BP Drawing No. 1820.

Procedural Matters

2. The proposed development has already been complete as identified on the decision notice. The appeal before me has therefore been assessed on a retrospective basis.
3. Several drawings named; 'Proposed Site Plan' have been submitted although these appear to be duplicate versions but are ultimately the same plan. I have determined the appeal based on the plans the Council based its decision on.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - The effect of the proposed development on the current and future maintenance of utilities and other associated works within the adopted highway verge.

Reasons

Character and appearance

5. The appeal site accommodates a detached dwelling located on a corner plot at the far end of a cul-de sac within a residential setting. The property is set back from the footpath and main road which serves the residential estate with a garden area and parking to the front and a small strip of landscaping along the side. Beyond of which is a parking area and the front garden area of the neighbouring property at No. 5 Admington Court.
6. Due to the site's location on a corner plot, the fence is not highly visible when viewed from the road, including views on approaching the site along Admington Court. Views of the side elevation are only apparent when viewed from the northwest of the site. I observed the properties nearby and noted that although the front garden areas are generally open, a wide range of fencing is evident along the rear and side boundaries of properties. The majority of which front onto the footpath and main road and are much more visible within the street scene.
7. The fencing is set back from the footpath and the road to the front and extends along the side elevation of the property. Although the fencing may be higher than a previous fence which is said to have been in place and may be higher than that allowed under permitted development, it is still of a relatively low height with an overall design similar to others in the area. Whilst the fencing extends along the full length of the side elevation, its overall height and design is still not overly prominent in this residential setting and in any event, is less visible given its location at the far end of the cul-de-sac where views are largely restricted. Additionally, the landscaping that exists to the side including hedging, shrubs and planting helps to screen the fencing from views and softens its overall appearance. As a result, the fencing has very limited effect upon the street scene and does not appear discordant when viewed in context of the diverse appearance of other fencing nearby.
8. I conclude that the proposed development does not appear as an obtrusive addition and does not unacceptably harm the character and appearance of the surrounding area. Accordingly, I find the proposed development to accord with Policies HOU9 and QOP2 of the Northumberland Local Plan 2016-2036, 2022 (NLP) which together, amongst other matters, requires development to preserve the character of the area. The proposed development also accords with chapter 12 of the National Planning Policy Framework relating to achieving well-designed places.

Utilities

9. The Council's Highways Department have objected to the proposed development as it constitutes an unauthorised structure within highway land and that no evidence has been provided regarding ownership or that the development would not harm the current and future maintenance of utilities and other associated works.
10. Whilst I have limited detail regarding ownership of the land in question, such matters are not for my consideration, and I must determine the current appeal based on its merits and the evidence before me. To this end, I have no compelling evidence to suggest that the fence would harm the current and future maintenance of utilities and other associated works. I observed that there was a drain and lamppost located nearby. However, these were not obstructed by the fence and sufficient distance exists to ensure that access can be obtained.

11. On this basis, I conclude that the current and future maintenance of utilities and other associated works would not be unduly harmed by the proposed development. It would therefore comply with Policy TRA 2 of the NLP which amongst other matters, seeks to suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary.

Other Matters

12. I have reviewed all matters raised by the Council including third party representations as part of my decision and acknowledge the concerns regarding the gate opening out onto public highway causing an obstruction for other users. Based on my own observations onsite, I am content that even if the gate opened outwards, there is still sufficient distance from the fencing and the public highway to ensure that it would not be detrimental for other users. Additionally, the Council's Highways Department have provided comment on the application and whilst they raised other concerns as set out above, they did not raise any particular concern in respect of this matter or other highway safety matters including ingress and egress from the parking bays. I also have no particular concern in this regard.
13. I also note concerns regarding the retrospective nature of the appeal although this has not affected my findings on the main issues.

Conditions

14. I have considered the conditions suggested by the Council taking into account the retrospective nature of the appeal. I have included the approved drawings, in the terms of my decision in the interests of certainty.

Conclusion

15. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR