



Appeal Decision

Site visit made on 25 July 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2023

Appeal Ref: APP/X1355/D/23/3321585

22 Charters Crescent, South Hetton, Durham DH6 2TP

- 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 Miss Jacki Little against the decision of Durham County Council.
 - The application Ref DM/22/03069/FPA, dated 1 October 2022, was refused by notice dated 2 March 2023.
 - The development proposed is described as the "retention of 5 ft 10in (1778mm) wall at front of property. (Reasons for this installation please see separate sheet attached) Both neighbours were consulted on the panel wall on the boundary. Both neighbours agreed to the installation of the wall".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Based on the evidence before me and at my site visit, the development has commenced and is now substantially complete. I have therefore considered the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site, 22 Charters Crescent is a two-storey, semi-detached property, located on a triangular-shaped corner plot, in a predominantly residential area.
5. A wall has been erected around the garden of the appeal site, measuring approximately 1.8m in height, and is a dark grey colour. A large timber gate of a similar height provides access to a driveway and there is a further tall timber gate located close to the boundary with the adjoining property, No. 21. The wall extends along the front and side boundaries of the property, which by virtue of being a corner plot, is highly visible in the surrounding area.
6. Most of the properties on Charters Crescent have front gardens with low-level boundary treatments. Whilst I accept that there is some variety in the materials used for these treatments, they are all typically either timber or brick. Where gates have been installed, these are typically timber or iron and generally modest in height with a more open design. The types and designs of the boundary treatments typically found in the surrounding area maintain a sense of openness, which contributes positively to the character of the area.

7. Paragraph 2.34 of the Residential Amenity Standards Supplementary Planning Document 2023 (SPD) states that the design and detailing of boundary gates, walls, and fences, particularly on highway frontages, plays an important role in defining the character of all residential areas. It recognises that means of enclosure can be very prominent in the street scene and can have a high visual impact. It therefore requires that the style and materials match or complement the existing style of the boundary treatment in the surrounding area, or where appropriate, the dwelling itself.
8. The use of solid, dark grey panels to form the high boundary treatment creates a harsh and dominant form of development which does not reflect the style and materials of similarly located boundary treatments in the surrounding area, nor does it assimilate well into its surroundings. The wall creates a harmful sense of enclosure to a previously open part of the street scene by extending across the full width of the front of the property and both side boundaries. As such, by virtue of its height, form and layout, the development is an incongruous addition to the street scene, which is harmful to the prevailing open character found within the surrounding area.
9. My attention has been drawn to examples of tall fences or other means of enclosure within the surrounding area where their gardens would otherwise be open to public view. Where these do exist, there are very few examples which continue along the main frontage of the host dwelling in a similar manner to the appeal site. In any event, I have considered this appeal on its own merits.
10. Consequently, by virtue of its siting, scale, and design, I conclude that the development harms the character and appearance of the area. It is therefore in conflict with Policy 29 of the County Durham Plan (CDP) and Part 12 of the National Planning Policy Framework which requires, amongst other things, development to be sympathetic to the existing building and the surrounding area in terms of design, scale, materials, and layout. The development is also contrary to the guidance contained within the SPD, for the reasons set out above.

Other Matters

11. I understand the appellant's desire to provide a safe, secure, and private environment by enclosing the garden and I sympathise with the reasons for seeking to improve security, safety, bearing in mind the incidents of crime and anti-social behaviour which have occurred at the property and have been detailed in the supporting evidence. I have also had regard to the desire of the appellant to improve their mental health and well-being, which has been affected by the aforementioned incidents. Nevertheless, there is little evidence before me that the means of enclosure that has been erected is the only way to achieve these objectives. Therefore, I find that these benefits do not outweigh the harm that I have identified.
12. Whilst I have had regard to the concerns which have been raised in relation to highway safety, I note that the Highway Authority has been consulted and raised no objections to the development. I have not been presented with any evidence which would cause me to reach an alternative conclusion on this matter.

Conclusion

13. For the reasons given, the development does not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight, including the Framework that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR