



Appeal Decision

Site visit made on 12 October 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/W4515/D/23/3325257

160 Whitley Road, Whitley Bay, North Tyneside NE26 2LY

- 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 Mark Mulvaney against the decision of North Tyneside Council.
 - The application Ref 23/00091/FULH, dated 20 January 2023, was refused by notice dated 11 April 2023.
 - The development proposed is to modify preexisting boundary treatment to add fence above 1m and some extension of three brick corner pillars (increase in pillars).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issue

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

Reasons

4. The appeal site is a semi-detached house on the corner of Whitley Road and Percy Road. The area has a mixed character, with Percy Road being predominantly residential and the part of Whitley Road in the immediate vicinity of the site being predominantly commercial.
5. On the opposite side of Whitley Road to the side of the appeal property is a terraced row of commercial uses including shops, restaurants and takeaways that open directly on to the street. A commercial use is also present on the opposite side of Percy Road to the front, in the form of a café incorporating an outdoor seating area. However, the appeal site retains an inherently residential character, with a reasonably spacious garden to the front and side.
6. The submitted evidence notes a history of enforcement cases relating to unauthorised development of boundary treatments at the appeal site. At the time of my visit the close-boarded fencing shown on the submitted proposed plans was in situ which, based on the available evidence, remains unauthorised. The proposed extensions to the brick piers shown on the submitted plans had not been constructed at the time of my visit. For the

avoidance of doubt, I have determined the appeal based on the submitted plans on which the Council made its decision.

7. The appellant considers the site to be somewhat unique in the context of Whitley Bay. Because of its position and layout in relation to adjacent uses, I acknowledge it lies at a point of swift transition between residential and commercial character. However, the prevailing character of the area, in terms of both residential and commercial uses, is of openness and a close relationship between buildings and street frontages. Residential street-fronting properties generally feature modest gardens enclosed by low boundary walls or fences, or soft landscaping.
8. The fence as installed appears as a dominant, stark and unwelcoming visual barrier that fails to reflect the open character of its surroundings, resulting in an uncharacteristic and incongruous feature in the streetscene. The proposed works yet to be undertaken, including extending the brick piers and marginally lowering and painting the fence, would not satisfactorily improve the current situation to address these matters.
9. There are some sporadic examples of similarly tall close-boarded fencing to boundaries in the surrounding streets, although I am provided with limited substantive evidence as to whether or not these examples are authorised. However, such examples are limited and do not positively contribute to the area's character. I also visited the examples cited by the appellant further afield at 4 White House Drive and 13 Falkirk. The surrounding context at both of these sites was significantly different to the appeal site, and accordingly they offer limited weight in favour of the proposal.
10. I do not dispute the appellant's claim that the nature of the nearby commercial uses exposes the property to a high volume of commercial activity, passing vehicular and pedestrian traffic, and to some disturbance including air pollution, noise, litter, antisocial behaviour, vermin and overlooking. I fully understand the appellant's concerns and the desire to secure the property and maintain privacy. However, judging by the available evidence, the area has long been established as a home to both residential and commercial uses where the potential for disharmony between different uses has existed. I accept that there may have been some intensification of commercial activity in the area in recent years, but the available evidence does not suggest that the intrinsic character of the area has changed to such an extent that the proposal could be justified, given the harm previously identified.
11. The appellant has submitted letters of support from neighbouring properties and has set out perceived benefits of the proposal including the partially established vegetation that covers some of the existing fencing. I also note the appellant's reservations concerning the use of alternative privacy and security measures. However, based on my observations on site and the submitted evidence, I do not find the above factors to be sufficiently persuasive to justify the proposal, given the harm previously identified.
12. For the reasons given above, the proposed development would be harmful to the character and appearance of the area and would conflict with Policies S1.4 and DM6.1 of the North Tyneside Local Plan – Adopted July 2017, which together seek, among other objectives, for development to have an acceptable impact on local amenity and the built environment, and for development to demonstrate high and consistent design standards. The proposal would also

conflict with the provisions of the Framework and the North Tyneside Council Design Quality Supplementary Planning Document, which have similar aims.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

P Storey

INSPECTOR