



Appeal Decision

Site visit made on 2 January 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2024

Appeal Ref: APP/X1355/W/23/3329044

30 Norburn Park, Witton Gilbert, Durham DH7 6SF

- 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 Christopher Crook against the decision of Durham County Council.
 - The application Ref DM/23/01761/FPA, dated 14 June 2023, was refused by notice dated 13 September 2023.
 - The development proposed is retrospective application for a fence around front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The nature of the development on the original application form is not clear, I have therefore used the Council's description taken from the decision notice.
3. The development has already been carried out and as such I have determined the appeal accordingly.
4. A higher fence is set to the side of No 30, adjacent to the entrance of the detached garage block. From the evidence before me, this falls outside this appeal, which concerns the erection of the 0.9 metre fence to the front and side adjoining No 31 Norburn Park.
5. The appellant has stated that the development assists in them living with an ongoing medical condition. In accordance with the Public Sector Equality Duty, I have taken this into account in determining this appeal.

Main Issue

6. The main issue is the effect of the fence on the character and appearance of the surrounding area.

Reasons

7. No 30 is a semi-detached two-storey property located on a corner plot and set within a cul-de-sac adjacent to a block of communal garages. Properties are set back from the road by their associated gardens, pavement, and grass verge. The estate is characterised by open frontages with planting and hedging. The exceptions to this within the immediate context are No 20 Norburn Park which has low walls to the corner as well as dividing the property from its neighbour; and those properties which sit at right angles to No 30 which have high fences

visible within the street which enclose rear gardens. Despite these, the immediate context retains a predominately open-plan feel.

8. The fence divides the frontage between No 30 and the adjoining property and extends up to the edge of the pavement. It is highly visible from within its context with its hard vertical appearance bisecting the openness. This erodes the open character of the street and introduces an incongruent feature into its surroundings, at odds with the softer boundaries within the estate.
9. My attention has been drawn to the presence of similar proposals, however I have not been presented with any such evidence. I have been told that the front enclosures to Norburn Park and Hillside are due to properties bounding pavements that run through the estate. With other boundaries screening side/rear gardens from back lanes and footpaths between streets. The orientation of those properties which have enclosed front boundaries and high side/rear boundaries which are visible from No 30 is sufficiently different from that of No 30 for them not to be comparable. I also observed the front garden areas of several properties which face onto Hillside enclosed by low boundaries. Considering the number of properties that have been enclosed, the character and appearance of Hillside is sufficiently different from that of No 30 not to be comparable. Furthermore, I have not been provided with the details regarding these. Notwithstanding this, each case must be considered on its own merits.
10. I conclude that the fence results in harm to the character and appearance of the surrounding area, contrary to Policies 29 and 31 of the County Durham Plan 2020, which amongst other things, collectively seek to ensure new development contributes positively to an area's character; and prevent visual intrusion and visual dominance. There would also be a conflict with the County Durham Residential Amenity Standards Supplementary Planning Document 2023 (SPD) which seeks, amongst other matters, for development to avoid visual clutter within open-plan housing developments. There would also be conflict with the National Planning Policy Framework, which seeks, amongst other matters, for development to add to the overall quality of the area, and be visually attractive.

Other Matters

11. Even though the fence prevents people from walking on and dogs fouling on the lawn, I have no evidence to suggest that the fence is the least harmful way to achieve a sense of boundary definition.
12. The behaviour of the Council and cost of the planning application and materials are not within the scope of my assessment which must focus on the planning merits of the appeal proposal.
13. Moreover, despite the fence being acceptable in terms of highway safety and outlook for neighbouring occupiers, the absence of harm is a neutral factor in my determination of this appeal.

Planning Balance and Conclusion

14. Whilst I am sympathetic to the circumstances of the appellant, a grant of permission for the development would give rise to an unacceptable impact on the character and appearance of the surrounding area. I attach substantial weight to this finding against the appeal. I am also mindful that the personal circumstances of the appellant could change and that there are alternative

options for screening which would provide a defensible boundary, and which would accord with the Council development plan overall.

15. On balance, as the harm I have identified would be permanent, I consider that safeguarding the character and appearance of the surrounding area is in the wider public interest. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

L Clark

INSPECTOR