



Appeal Decision

Site visit made on 11 February 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/W4515/D/24/3336493

67 Benton Road, West Allotment, North Tyneside NE27 0EP

- 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 Paul Edney against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 23/01225/FULH, dated 9 September 2023, was refused by notice dated 13 December 2023.
 - The development proposed is described as '*I would like to improve the security at the front of my property and erect a 6ft fence behind the current trees and shrubs which are in place at the front of my property*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Procedural Matter

3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update does not fundamentally alter the main parties' cases, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Reasons

4. The appeal property is one of several detached, brick built and modern dwellinghouses positioned in a linear form and separated from Benton Road by frontage landscaping with low boundary railings and brick piers behind. There is a uniformity to the design of the front boundary treatment in this part of the street. It is experienced by users of Benton Road and by occupiers of the detached dwellinghouses who share a common access drive behind the said landscaping and railings/brick piers. The boundary treatment design consistency along this part of Benton Road adds positively and distinctively to the character and appearance of the area.
5. It is proposed to erect a six-foot fence high behind the frontage boundary treatment associated with No. 67 Benton Road. I acknowledge that the

landscaping immediately fronting Benton Road is tall. Nonetheless, there would be some limited visibility of the proposed fence from parts of Benton Road. This is indeed acknowledged by the appellant who says that the proposed fence would eliminate '*gaps in the current barrier*'.

6. Furthermore, and, in any event, the landscaping fronting Benton Road will not endure forever. Whether it is reduced in height as part of regular maintenance, or is removed owing to death or disease, the proposed fence would then be much more visible in the public domain. Owing to its position, wooden material, and its solid appearance, it would not assimilate well with other frontage boundary treatment along this part of Benton Road. In addition, it would look materially out of place in its immediate context when experienced by neighbouring residents leaving the front of their properties or looking out of their front windows. From these viewpoints, the fence would materially detract from the brick piers and railings which have a pleasing visual consistency.
7. The appellant has indicated that they would accept the imposition of a planning condition to the effect that if the existing frontage landscaping were to be removed, then the fence would be removed. I do not consider that such a condition would overcome the above harm that would be caused to the character and appearance of the area. This is because the fence would be visible to onlookers even if the landscaping were to remain and, furthermore, such a condition would not prohibit the vegetation from being lowered as part of general maintenance thereby making the harmful fence even more conspicuous to passers-by. In addition, the potential loss or removal of the landscaping, and the associated suggested removal of the fence, would have the effect of also causing harm to the character and appearance of the area. This is because the frontage landscaping makes a positive contribution to the character and appearance of the area.
8. I acknowledge that the appellant wants the proposed fence to be erected to improve levels of security and privacy. In the context that there is already mature landscaping and railings along Benton Road, I am not certain why there is an actual or pressing need to make the space more secure or private. In any event, the appellant's desire for additional privacy or security does not outweigh my conclusion that, for the above reasons, the proposal would cause very significant harm to the character and appearance of the area. Therefore, I find that the proposal would not accord with the design, character, and appearance requirements of policies S1.4 and DM6.1 of North Tyneside Local Plan 2017, the Council's Design Quality Supplementary Planning Document 2018, and chapter 12 of the Framework.

Conclusion

9. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR