



Appeal Decision

Site visit made on 29 January 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/W4515/W/23/3332566

108 Turnberry, Red House Farm, Whitley Bay, North Tyneside NE25 9NZ

- 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 Jenna Wiseman against the decision of North Tyneside Council.
 - The application Ref 23/00725/FUL, dated 12 June 2023, was refused by notice dated 9 August 2023.
 - The development is change of use of open space to private garden area and enclosure with 1.8m high closed boarded timber fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The fence has already been erected and the land is enclosed. I have dealt with the appeal on the basis that planning is being sought retrospectively for the development.

Main Issue

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

Reasons

4. No 108 Turnberry (No 108) is a mid-terraced dwelling located within a cul-de-sac on a residential estate. Most of the properties on the estate face onto the road behind front gardens and driveways bound by low brick walls or railings. Rear gardens are mostly obscured from view. The site and its immediate neighbours (Nos 110–114) are an exception due to their position at the periphery of the estate overlooking the A192. This means that their rear garden boundaries face onto the cul-de-sac. The orientation of the houses together with the curve of the road results in the boundaries being clearly visible in the public realm.
5. From the photographs provided, the gardens of Nos 108-112 were once the same depth, set back from the estate road, with No 108 having an additional planted area linked into a longer landscaped strip that extended alongside the pavement. The latter created a sense of spaciousness between the rear elevations of Nos 108-112 and the pavement, but also between the back of the terrace and the front elevations of those properties directly opposite.

6. The fence is situated to the rear of No 108 and encloses an area of what appeared to be verdant landscaping, separating it from the wider estate. The fence line steps significantly beyond the boundary of those adjoining properties of Nos 110 and 112 and extends up to the pavement, jutting out beyond the curved brick wall to the nearby flats. Despite the fence having been painted and is a similar height to neighbouring fences, and the estate not having through traffic, its projection from a mid-terraced property into the openness of the estate creates a juxtaposition with the existing boundaries and landscaping. This results in a visually prominent feature harmful to the character and appearance of the wider area.
7. My attention has been drawn to the rear garden of No 114 which is situated at the end of the terrace within which No 108 is located. The garden appears to be deeper than those dwellings within the terrace, with its boundary consisting of fencing and a curved brick wall that extends adjacent to the pavement. Whilst the line of the boundary is similar to that of No 108, the siting of No 114 at the end of the terrace and its boundary line is not seen within the same visual context as the appeal site. As such the circumstances are not directly comparable.
8. I conclude that the enclosure of the landscaped open space and the erection of fencing is harmful to the character and appearance of the area. As such the development conflicts with Policies DM5.2 and DM6.1 of the North Tyneside Local Plan (2017), which collectively seek to ensure that development provides a positive relationship to neighbouring buildings and spaces. There would also be conflict with the Design Quality Supplementary Planning Document (2018) which seeks, amongst other things, that boundary treatments relate to the property that it surrounds and be appropriate to the appearance, style, and scale of the street scene.

Other Matters

9. The lack of objection from neighbouring properties does not in itself render the scheme acceptable. Whilst the appellant has openly stated that they would be willing to discuss alternatives, I must deal with the appeal scheme based on what was originally applied for. Any amendments to the development would need to be submitted to the Council in the first instance for its consideration.
10. I understand that the appellant owns the land and did not intend to undertake works that required planning permission. I have taken into account the benefits to the suggestion that the landscaped area was poorly maintained and attracted litter. However, these matters do not outweigh the harm that I have identified above. Whilst the extension to the size of the garden may increase the value of the appellant's property, this carries very limited weight as a material planning consideration.

Conclusion

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

L Clark

INSPECTOR