



Appeal Decision

Site visit made on 23 May 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/H4505/W/24/3337141

6 Hopedene, Leam Lane Estate, Felling, Gateshead NE10 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Blackburn against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/23/00742/COU.
 - The development proposed is change of use from open space to private garden space enclosed by fence (up to 1.9m high).
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a parcel of open land adjacent to the semi-detached house of No 6 Hopedene. The site forms part of a residential estate mainly comprised of similar dwellings, interspersed with areas of green open space.
4. The appeal site is situated at a corner between adjacent dwellings orientated perpendicularly to each other, much like several other open spaces in the area. A public footpath separates it from a larger publicly accessible open space to the east. According to the submitted evidence, the owner of the site is unknown. However, for all practical purposes, it functions as a publicly accessible area of open space.
5. The appellant considers the site is not a typical corner plot, due to the relationship to the highway and the position adjacent to a much larger area of green space. Nevertheless, although open spaces enclosed by vehicular highways are more common in the area, there are also numerous plots adjacent to larger open spaces, such as the appeal site. These sites are a key component of the area's character.
6. The undeveloped and unenclosed nature of the appeal site provides a wide opening to the adjacent larger area of open space, as well as contributing to the characteristic spaciousness between the adjacent dwellings. The proposal would enclose the site with tall, close-boarded fencing, narrowing the opening and diminishing the characteristic openness currently enjoyed by the site, both

in terms of the relationship to the larger area of open space and to the adjacent dwellings.

7. The appellant argues that there are nearby examples of similar spaces used in a manner akin to that proposed and enclosed by comparable boundary treatments. However, the specific examples provided by the appellant differ from the appeal site in terms of their size and context. Although there is some variation to the boundary treatments found throughout the area, whether authorised or not, these examples do not detract from the positive contribution made by areas such as the appeal site to the overall spacious nature of the area.
8. I also note the presence of timber fencing atop the brick boundary wall at the adjoining semi-detached property. However, this would not be comparable to the scale or appearance of the proposed boundary treatment and is of limited weight in my determination of the appeal.
9. The appellant asserts that the appeal site has become a focus for antisocial behaviour and fly tipping, and that the proposal would shift gatherings to the larger open space, which would significantly benefit the community in this regard. I noted the evidence of graffiti on the boundary wall of No 6 Hopedene, directly adjacent to the appeal site, which the appellant attributes to the partially enclosed nature of the site. However, in my view, the site is open to the street and has limited enclosure. Whilst the proposal would restrict access to the site itself, it would not prevent similar behaviour occurring at nearby locations. As such, I am not persuaded that the proposal would provide any tangible benefit in this regard.
10. The proposal would provide additional private amenity space for No 6 Hopedene. Whilst this would positively impact the living conditions of occupiers, these benefits would not outweigh the previously identified harm. Although the Council does not consider the proposal would adversely affect the supply of open space, this is a neutral factor that does not mitigate the previously identified harm.
11. For the reasons given above, the proposal would harm the character and appearance of the area and would conflict with Policy CS15 of 'Planning for the Future' – Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, Adopted March 2015, and Policy MSGP24 of 'Making Spaces for Growing Places' – Site Allocations and Development Management Policies – Local Plan Document for Gateshead, Adopted February 2021. Together these policies seek, in respect of this issue, for development to contribute to good place-making through the delivery of high quality and sustainable design, to respond to local distinctiveness and character, and to take account of layout, access, space between buildings and relationship to the public realm. The proposal would also conflict with the provisions of the National Planning Policy Framework, which have similar aims.

Conclusion

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

P Storey

INSPECTOR