

Appeal Decision

Site visit made on 8 September 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/X1355/D/24/3346517

18 Mellanby Crescent, Newton Aycliffe, Durham DL5 5AP

- 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 Miss Stacey Hepple against the decision of Durham County Council.
 - The application Ref is DM/24/00521/FPA.
 - The development proposed is the retention of 1.81m fence to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the decision notice above, as this more precisely reflects the proposal than the description of development found on the planning application form.
3. The fence as applied for and that I saw on site reflects the details found on the submitted plan. I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property occupies a corner plot within an area characterised by residential properties. The layout of the appeal property is such that it has different doors in its front elevation leading into separate garden areas adjoining the road. The fence subject of this appeal extends around the garden area accessed from the two-storey side extension to the property. A wall and hedge extend to the left-hand side of the pedestrian gate and around the flank elevation of the property.
6. Although not universal, most properties in the area do not have a boundary treatment across the frontage of the property, or for those that do, they are typically low. This contributes to a sense of openness. There are examples of timber fencing, walls, or walls and landscaping. The majority of these, save for the examples at the junction of Mellanby Crescent and Bulmer Close, are set back from the pedestrian footway, unlike the proposal, and despite their height, they differ from the appeal scheme.

7. A brick wall formerly extended across the right-hand side of the property's frontage. Behind this was a hedge. Although the wall may have been dangerous and in need of replacing, no substantive evidence has been provided by the appellant to confirm that the fence is the same height as the wall. The Council estimates that the former wall was around 1.2 metres high. I have no reason to reach a different assessment.
8. Even though the fence reflects the siting of the previous wall along the back edge of the pedestrian footway, it is taller, which makes it a prominent feature in the street scene, particularly given the appeal property's corner plot location. Although there are walls of a broadly similar height along the back edge of nearby footways, they appear to be of some age, nor do I know under what circumstances they came to be. Given this, I do not consider that they justify the unacceptable harm to the character and appearance that the fence causes due to its height, appearance, and siting.
9. I agree with the appellant that the proposal does not affect highway safety given the siting of the fence and traffic speeds, but this does not alter or outweigh the harm that I have identified to the character and appearance of the area. Further, while the appellant may not have realised that planning permission was required for the proposal, and I have considered the appeal on its planning merits, it is open to the appellant to propose an alternative solution to the Council given that the fence screens their garden.
10. I conclude that the proposal causes significant harm to the character and appearance of the area and conflicts with Policy 29 of the County Durham Plan, the Residential Amenity Standards Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework. Together, these seek, among other things, development to positively contribute to the area's character or townscape and to not be a prominent feature.

Conclusion

11. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
12. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR