



Appeal Decision

Site visit made on 15 August 2024 by J Reed MPlan

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/W4515/D/24/3348226

25 Ventnor Gardens, Whitley Bay, NE26 1QB

- 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 Michael McCabe against the decision of North Tyneside Council.
 - The application Ref is 24/00393/FULH.
 - The development proposed is to install new fence to front and side boundaries.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. From my site visit I saw that the development had been completed, appearing to be so in accordance with what is shown on the submitted plans. I have nonetheless referred to said plans in my recommendation.

Main Issue

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

Reasons for the Recommendation

5. The appeal site is a two-storey end of terrace residential property located on a corner plot that fronts Ventnor Gardens and Eastbourne Gardens. The area is mainly residential with other two storey residential properties adjoining the site. The prevailing character of the area is that of openness with a close relationship between buildings and street frontages. There is a sense of openness at the junction, which is characteristic of the area, due to the close relationship between buildings and the street frontages. Residential street-fronting properties generally feature modest gardens enclosed by low boundary walls or fences, or a mixture of both.
6. The fence installed appears as a dominant, stark, and unwelcoming visual barrier that fails to reflect the open character of its surroundings, resulting in an uncharacteristic and incongruous feature in the street scene with a lack of visual permeability. By virtue of its height and design the fence does not

assimilate with the prevailing character of boundary treatments in the area. As a result, the fence would appear unacceptably at odds with the surrounding boundary treatments.

7. There are limited examples of other timber fencing to boundaries which are of various heights in the surrounding area. Such are however limited in number and they do not represent a defining or positive characteristic boundary treatment. In any event, I must consider the appeal scheme on its own planning merits, and I do not find the mere existence of similar fences in the locality, irrespective of their planning status and the lack of objections to them and the appeal scheme, to attract any significant weight in support.
8. The appellant has cited Crime Statistics from the Police database for February, March and April 2024 as part of their appeal statement. Over all three months anti-social behaviour was the largest proportion of incidents identified with four instances in February, five in March and four in April. However, no compelling evidence demonstrates that the appeal site has been affected by any of the crimes highlighted. Furthermore, there is nothing sufficient demonstrating how the proposals would be a preventative measure if said crimes had indeed occurred at the appeal site. As a result, I give this matter limited weight.
9. Whilst I have given some weight to the risks of crime to the appeal site, I do not find the above factors to be sufficiently persuasive to justify the proposal, given the harm to the character and appearance of the area identified. The development would thus conflict with Policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017 which seek for development to have an acceptable impact on local amenity and the built environment, and for development to demonstrate high and consistent design standards. The development would also conflict with the provisions of the Framework and the North Tyneside Council Design Quality Supplementary Planning Document, which have similar aims.

Other Matters

10. I have had regard to the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. Dismissal of the appeal would interfere with the appellant's rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
11. The consequence of dismissing the appeal would have the potential to reduce security at the appellant's home. However, the harm I have identified to the character and appearance of the area is such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under Article 1 of the First Protocol or Article 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.
12. A natural screen could be installed in place of the fence. However, the generally softer and more verdant appearance of such would be preferable to the harm identified from the visual starkness of the fence as proposed, and as such the

possibility of such an alternative form of screening would not direct allowing the appeal scheme.

13. In light of my conclusions on the main issue, and having regard to the other matters raised, the effect of the proposal on highway safety has not been fundamental to the outcome of the appeal.

Conclusion and Recommendation

14. Despite the evidence submitted in regard to the fear of crime and the requirements of the Human Rights Act, I am satisfied that the impact of dismissing the appeal would not result in a disproportionate impact on the appellants fear of crime. I therefore recommend the appeal be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR