



Appeal Decision

Site visit made on 11 February 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal Ref: APP/X1355/D/24/3356906

Lynnwood, 38 High West Road, Crook, Durham DL15 9NS

- 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 Mark Grainger against the decision of Durham County Council.
 - The application Ref is DM/23/03048/FPA.
 - The development proposed is described as “retrospective application for erection of a timber boundary fence”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted at the site visit that a timber fence has already been constructed to the front boundary of the property. It is clear from the plans and evidence that this is the structure referenced in the planning application. However, the timber double gates that are shown on the submitted plan and referred to in the evidence were not in place at the time of my visit. The Council assessed the proposal as including the gates. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the erection of a timber boundary fence and for the proposed erection of the gates.

Main Issue

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

Reasons

4. The appeal site is a detached bungalow in a residential area. The property is set back from and at a lower level to High West Road. The close boarded timber fence has replaced a section of hedgerow, and this fence now forms the front boundary of the site with the pavement, highway and grassed verge.
5. High West Road features a mix of single and two storey residential properties with various boundary treatments that face the highway. These are of differing heights and materials, and I observed timber fences, walls, metal railings and hedgerows in the area on my site visit. Trees and hedgerows that form many of the boundaries of the properties with High West Road make a positive contribution to the overall character of the area. Some of the hedgerows in the immediate vicinity are higher than the fence that has been constructed, although these appear as a

more natural form of boundary treatment that are appropriate in the context of the character of the area.

6. The majority of the fence has been erected immediately adjacent to the footpath and the sections either side of the access point are splayed and set further back. Due to its overall height, solid construction and position, the fence is a prominent feature on a main route through the settlement. It appears as a dominating and stark feature in an otherwise verdant street scene that does not complement the other predominantly lower and less imposing boundary structures in the area that front onto High West Road. The installation of the double gates would add to the harm that I have identified, particularly when the gates are closed.
7. I do not know the circumstances under which other boundary treatments in the area were constructed or their status regarding planning permission, including the examples that the appellant specifically refers to. I therefore cannot draw any direct comparison with the development that would weigh in its favour. The presence of these does not justify the harm that I have otherwise found.
8. I conclude that the development is harmful to the character and appearance of the area. It therefore conflicts with Policy 29 of the County Durham Plan (2020), which amongst other things seeks to achieve well designed places and development that contributes positively to an area's character.

Other Matters

9. The fence may provide some benefits to the appellant in respect of their desire to improve privacy and security and reduce noise and dirt from increased traffic. However, I do not consider that these matters provide sufficient justification for the harm I have identified from the development. I also do not consider that measures such as a finish to complement the neighbouring fence would be sufficient to mitigate the harm in this instance.
10. I note the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under this planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the development.

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

N Armstrong

INSPECTOR