



Appeal Decision

Site visit made on 2 May 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/A4520/D/25/3362778

52 Winslow Close, Boldon Colliery NE35 9LR

- 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 Ibrahim Edidi against the decision of South Tyneside Council.
 - The application Ref is ST/0504/24/VC.
 - The development proposed is Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 - Timber Fence of Application Number ST/0545/23/HFUL.
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Decision

1. The appeal is allowed and planning permission is granted for Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 - Timber Fence of Application Number ST/0545/23/HFUL at 52 Winslow Close, Boldon Colliery NE35 9LR and subject to the following condition:

(1) The development shall be carried out in accordance with the approved plans: Proposed 3D Site Plan Drg No 111 07 A2 Rev 1, Proposed Elevations Drg No 111 08.A1 Rev 1, Proposed Site Plan Drg No 111 06.A1 Rev.

Preliminary and Procedural Matters

2. The appellant's description of the proposal within their application form reads as 'Extension of existing fence, at the same height as the existing, with gated access to the garden on the line of the front gable.' This description follows the same description to the granted permission for a new boundary enclosure to the appellant's property¹. The Council amended the description to more closely align with the Section 73 process and therefore I have used the Council's description within the banner heading.
3. The appellant did not build in accordance with the approved plans and sought to amend the approval through a section 73 application by varying the approved plans, Condition number 2. This s73 application is the subject of the appeal before me.
4. I could see from my site visit that the works appeared to be substantially complete.
5. The Council inform me that they are progressing towards the adoption of a new Local Plan although the extant local plan is afforded full weight.

¹ ST/0545/23/HFUL

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

7. The appeal site is located within a modern residential development of two storey houses of a similar character and materiality, and open plan to the front gardens. Number 52 is detached and located on a corner with part of the rear garden enclosed by a combination of brickwork and timber infills.
8. The appellant has erected a boundary enclosure that extends from the front gable of the dwelling along the side of the dwelling that abuts the back edge of the pavement, running parallel to the estate road. It is entirely timber of a close boarded design.
9. When viewed from the street scene towards the side elevation, there is a large bush that distinctly separates the two forms of boundary enclosure at the property. Therefore, the two forms of perimeter enclosure do not read as a continuation of one into the other. When viewing the dwelling from the front elevation, although the fence extends from the front gable, the open plan garden with a semi-mature tree contributes to mitigating the effects of the timber fence by way of screening and softening its appearance in this location.
10. I noticed that timber boundary enclosures are part of the character of the estate. Brick with timber is not the predominant form of boundary materials here. Although this proposal varies from the approved scheme, even though it is not set back from the front elevation of the dwelling, I do not consider the effect of the solid timber fence and its location harms the character of the dwelling, or the distinctiveness of the street scene as a whole. I note the Council's reservations commenting on the Household Development SPD. Nevertheless, high timber boundary treatments bordering public areas is a characteristic of Winslow Close
11. The proposal therefore meets the design aims of policy DH1 of the South Tyneside Local Development Framework, the Household Development 2010 SPD and the National Planning Policy Framework in its objectives to achieve well designed places.

Conditions

12. As this is a Section 73 application, it is possible to amend, vary or add conditions as required. As the fence has been erected, there is no requirement to impose a time limit condition. The plans are however conditioned in the interest of proper planning.

Conclusion

13. The proposal complies with the development plan as a whole and is therefore allowed.

Alison Scott

INSPECTOR