



Appeal Decision

Site visit made on 3 November 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/X1355/D/25/3374209

107 Greenways, Delves Lane, Consett, Durham DH8 7DJ

- 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 Mrs Susan Jeanette Underwood against the decision of Durham County Council.
 - The application Ref is DM/25/01437/FPA
 - The development is described in the application as 'a retrospective application for timber fence to the perimeter.'
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Susan Jeanette Underwood against Durham County Council and this is the subject of a separate Decision.

Preliminary Matters

3. The appellant states that the forename of the appellant was incorrect on the planning application form. I have therefore cited the name provided on the appeal form.
4. In the interests of conciseness, I have omitted detail and narrative from the description of the development that does not relate to the operative part of the development.

Main Issue

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

Reasons

6. The appeal property is a two-storey semi-detached dwelling on a corner plot within a housing estate. It is set back from the highway with a garden area to the front and side, and driveway. There is a small, enclosed hard surfaced external amenity area to the rear of the property. Opposite, there is a two-storey residential care home.

7. The appeal development comprises a wooden fence of palisade design, stained dark brown, of approximately 1.85 metres in height. It is situated to the front and side boundaries of the property. The majority of the fence abuts the highway.
8. Most properties in the immediate street scene have low front walls, some with hedging above. Railings are also present. I observed on my site visit fencing of a similar height to the appeal property that abuts the footway. However, such examples are the exception rather than the norm and demonstrate the material harm that can be caused by such development. Furthermore, there is no compelling evidence before me that the other schemes referred to by the appellant have planning permission. As a result, I give them limited weight in my decision.
9. The Supplementary Planning Document – Residential Amenity Standards (2023) (SPD) refers to walls and fences being prominent features in a street scene and that the design and detailing should match or complement the existing boundary treatment in the surrounding area.
10. Most of the fence abuts the highway and so there is no scope for softening its appearance through planting. I do not find that the gaps between the timber boards sufficiently soften its appearance. Due to the prominent corner position, height and appearance, the appeal development appears stark, incongruous and visually intrusive in the street scene. This unacceptably undermines the more consistent boundary treatment that is a predominant characteristic of the immediate area and is visually jarring in this context. The appeal development therefore fails to comply with the SPD in this respect.
11. The appellant considers that the fence represents a benefit compared to the previous hedge, which the appellant states was dying, causing the boundary wall to become unstable and protruding onto the pavement. However, based on the evidence before me, I find that a well-maintained hedge would be less obtrusive and more in keeping with the street scene than the fence.
12. My attention is also drawn by the appellant to the benefits of increased privacy and security. The external amenity area to the rear is more limited and thus the appellant seeks privacy within the front garden as it provides more space. The residential care home opposite directly overlooks the front garden and into the lounge, dining room and first floor bedroom windows of the appeal property. The fence would provide some screening from the ground floor windows of the care home opposite; however, views from the first-floor windows would still exist.
13. In terms of security, the SPD refers to special consideration being given to corner plots with open plan areas where trespass is a problem. Whilst a corner plot, the appeal property does not have an open plan frontage, previously being enclosed by a low wall with a tall conifer hedge. I do not therefore consider it falls within the requirement for special consideration in the SPD. Nevertheless, the SPD provides guidance only. I appreciate that the proposal offers privacy and security benefits for the appellant, including preventing dog incursion. However, I do not find that these private benefits outweigh the harm that I have identified above. In any event, the same benefits could be achieved through an alternative scheme, for example provision of a lower wall and planting, without causing harm to the character of the area.

14. My attention is drawn by the appellant to an appeal decision¹ for a boundary fence adjacent to the highway. However, this other appeal decision is of some age, was assessed against a different development plan and is set within a different location/context. Accordingly, it is not directly comparable. I therefore attach very little weight to this in the determination of this appeal.
15. For these reasons, the development causes harm to the character and appearance of the area. Consequently, it conflicts with policy 29 of the County Durham Plan (2020), which seeks design that contributes positively to an area's character. It also conflicts with the SPD as it does not match or complement the existing boundary features in the surrounding area.

Other Matters

16. I note that only one objection letter was received, which did not object on the grounds of character and appearance. I also acknowledge the level of support for the development from the local community. However, this does not overcome the identified harm of the appeal development.

Conclusion

17. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A Hartley

INSPECTOR

¹ APP/80738/A/01/1068853 Thornaby, Stockton-on-Tees