
Appeal Decision

Site visit made on 10 March 2026

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 April 2026

Appeal Ref: APP/H0738/W/25/3376503

28 Burniston Drive, Billingham, Stockton on Tees TS22 5DD

- 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 Jennifer Bellerby against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/1016/COU.
 - The development proposed is change of use from open space to residential garden to include the relocation of the existing 1.8m metre boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above was taken from the decision notice rather than the application form in the interest of clarity and conciseness.
3. In paragraph 1.1 of its statement of case the Council state that the development is for 'the change of use application of existing detached garage to a hair salon', based on the content of their statement, this title was entered in error and I have proceeded on the basis that its statement refers to the appeal scheme before me.

Main Issue

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

Reasons

5. The residential areas of Burniston Drive and Ashton Road comprise contemporary, brick-built properties, set behind a combination of front gardens and driveways, which are open to the front with low boundary walls and fences. Larger areas of public green spaces are also present within the residential estate. The consistent appearance of the dwellings, the open front gardens and larger pockets of green space result give the character and appearance of the area a pleasant verdant quality.
6. The layout of development in the vicinity is such that some rear boundary treatments, mostly tall timber fencing, is visible within the established street scene. However, in most examples it is positioned behind the building line of the front elevation, ensuring it does not dominate the respective dwelling or appear as a prominent element within the public realm.
7. The appeal site is part of a large area of open green space; there is a small electricity substation within it that faces Burniston Road. At either end, the space is open allowing clear views between Burniston Road and Aston Road, creating a sense of openness.

The proposal is for the change of use of a section that runs from the rear of the electrical substation to the side boundary of 28 Burniston Drive (No. 28) from open space to residential garden ground. The scheme would extend the existing rear garden of the host property and would be bound by high timber fence panels, with trellis above, supported by concrete posts; which would reflect the existing rear garden boundary.

8. Although the area tapers slightly towards No. 28, the proposed fencing would be forward of its front elevation. This is inconsistent with the established pattern of development in the area, where tall rear boundary fencing is set behind the building line of the front elevation of dwellings. As a result, the proposed scheme would result in an incongruous and overly dominant element within the street scene, where boundary treatments beyond the front elevation are, for the most part, significantly lower.
9. Although the substation would obscure some views of the fencing, it would still be clearly visible from both the highway and the wider public realm. It is also acknowledged that the area of the appeal site is small, relative to the extent of green space in the wider area; and a strip of open space adjacent to an existing pedestrian path would be retained. Nevertheless, the scheme would result in the erosion of public green space, which makes a positive contribution to the character and appearance of the area.
10. For the reasons detailed above the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it is contrary to policies SD8 and ENV6 of the Stockton-on-Tees Borough Council Local Plan (2019) which is consistent with the National Planning Policy Framework in requiring that new development reinforces local distinctiveness and provides high quality inclusive design solutions, they also state that the loss of open space would only be supported where there would be no significant harm to the character and appearance of the area.

Other Matters

11. The appellant raised concerns regarding the Council's handling of the planning application. However, this is a matter that should be managed separately through the Council's complaints procedure.
12. My attention has been drawn to three examples where planning permission was granted for the change of use of public open space to private garden ground, at 13 Dunsley Drive, 61 North Park and 15 Westerton Road. Based on the information provided, none of the examples resulted in rear boundary treatments being forward of the front elevation of these dwellings. As such I cannot be certain that the circumstances in these examples are the same as the appeal before me.

Conclusion

13. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR