
Appeal Decision

Site visit made on 22 March 2016

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2016

Appeal Ref: APP/A4520/D/16/3143588

39 Fenwick Avenue, South Shields NE34 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Maureen Ali against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref. ST/0741/15/HFUL, dated 21 July 2015, was refused by notice dated 26 November 2015.
 - The development proposed is 1.8m high fencing to the front/side boundary and widening of the driveway with associated gates/pillars.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence has already been erected and the Council considered the application as being for retrospective planning permission for the development as carried out. I have determined the appeal on the same basis.

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 located on the western side of the junction of Fenwick Avenue and Cloister Avenue. The side/front boundary is surrounded by a low brick wall on top of which a high, close-boarded fence has been erected in place of the former hedge. The Council does not take issue with the gates and pillars, but considers the fence to be detrimental to local visual amenity.
 5. The area is predominantly residential with mainly 2-storey, semi-detached houses. The front boundaries are characterised by low brick walls, sometimes with railings between piers, or hedges or other planting behind them. The fence at the appeal site, due its location on a prominent corner and because of its height, extent and colour, is an incongruous and visually disruptive feature in the street scene, at odds with the prevailing character of the area. It does not accord with the design advice in the Council's adopted SPD 9: Householder Developments (2010, revised 2014) which requires that the visual impact of a proposal on the dwelling and its immediate neighbourhood is acceptable and
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- that high standards of urban design are achieved. It also advises that the design, height and materials of walls and fences should always complement the original character and materials of the property and neighbourhood, and that expanses of high close-boarder fencing bordering public areas should be avoided.
6. The appellant maintains that removal of the hedge has improved visibility, and hence highway safety, when existing the garage/driveway onto Fenwick Avenue. That may be the case, but the same result could have been achieved by less visually harmful means such as the installation of a lower fence or a reduction in the height of the hedge.
 7. It is also argued that the existing dwelling, originally a bungalow but now extended to be a 2-storey dwelling, is built of materials which are untypical of the area and that the fence complements the house and therefore should be granted permission. However, I do not accept this argument. Although the house is part rendered, whereas most properties in the area are brick-built, the intrinsic design and alignment of the house is not out of keeping with other dwellings in the area, whereas the high fence, wrapping around the side and part of the front boundary is a jarring element in the street scene.
 8. In support of the development, the appellant has referred to various other boundary treatments and fences in the vicinity, claiming that the area is characterised by very mixed materials. However the Council states that some of the fences cited are historic and pre-date the adoption of the current guidelines and others, unlike the fence at the appeal site, do not extend beyond the front wall of the house and so are not as obtrusive. For others, on the appellant's own evidence, there is no record of planning permission having been granted. Furthermore, I saw that a number of those fences are softened by being overtopped with vegetation and, in my view, none are as prominent as that at the appeal site. Thus, while I accept that there are a few high fences in the wider area, they are by no means a typical feature and I do not consider that they serve to justify further such development.
 9. I conclude that the fence is detrimental to the character and appearance of the area. It does not accord with SPG9 or with policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011) which requires, among other things, that development is designed to convey sensitive consideration of its surroundings and, where possible, it enhances its local setting and reinforces local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing; and protects existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary.
 10. It also fails to accord with the National Planning Policy Framework (the Framework), one of the core principles of which is to always seek to secure high quality design. Good design is a key aspect of sustainable development and is indivisible from good planning. While the Framework discourages the imposition of particular styles or tastes, it states that it is proper to seek to promote or reinforce local distinctiveness. It also advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Conclusion

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

Isobel McCretton

INSPECTOR