



Appeal Decision

Site visit made on 15 February 2012

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 6 March 2012

Appeal Ref: APP/N1350/A/11/2166752

63 Glaisdale Court, Darlington, DL3 7AE

- 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 by Ian Trevarrow against the decision of the Darlington Borough Council.
 - The application (ref: 11/00450/FUL and dated 25 May 2011) was refused by notice dated 7 September 2011.
 - The development is described as 'the erection of a 1.8m high timber fence to enclose side garden'.
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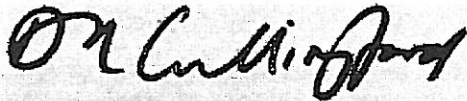
Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. I saw that this fence had been erected around the rear and side garden of the appeal property. It encloses almost all the space in front of the blank flank wall of this neat new townhouse, following a line close to the back of the pavement. The Council have refused permission for its retention because they consider that, due to its form and extent, it presents a dominating feature detrimental to the character of the street scene, contrary to 'saved' policy H12. That is the issue on which this appeal turns.
3. I accept that this fence exhibits several similarities to fences erected elsewhere, including those erected as part of the estate. But, it seems to me that an inherent feature of this development is the interplay between landscaped spaces and the harder edges of the walls or fences. This contributes to the character and quality of the street scene by introducing contrasting verdant elements to soften what might otherwise be perceived as an unremitting series of confining structures beside the pavement. I am afraid that the retention of this fence would contribute to creating just such a harmful effect. It encloses the whole of the rear and side garden, extending to over 16m, and it almost abuts the back of the pavement. In contrast, several other enclosing structures are set behind landscaping and planting. And, of course, the repetition of the sort of development evident at the appeal property throughout this estate would undermine a fundamental feature in the estate design that could, all too easily, transform the street to a bleak prospect between the serried rows of confining fences. I consider that retention of this fence would spoil the street scene.
4. I can appreciate the desire to enclose parts of the side garden here because the front and back gardens of the townhouses are relatively narrow. But it seems to me that the Council have devised an appropriate compromise, as at

No.58 where permission has been granted to enclose about 1/3 of the side garden with the remainder available to contribute to maintaining the essential verdant feature originally envisaged. That seems to me to offer an appropriate approach to ensuring that a degree of 'openness' continues to contribute to the pleasant character of the street scene and that the attractive quality of this estate is maintained. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR