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## Appeal Decision

Site visit made on 10 August 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2021**

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**Appeal Ref: APP/N1350/W/21/3278106**

**Land at 21 Garden Street, West of Weir Street, Darlington**

- 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 Mr Chris Watson Albert Hill Properties Ltd against the decision of Darlington Borough Council.
  - The application Ref 21/00471/FUL, dated 26 April 2021, was refused by notice dated 7 June 2021.
  - The development proposed is Erection of new perimeter fence – land at 21 Garden Street, West of Weir Street, Darlington.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There is no site description within the submitted planning application form. However, the Council used the address contained within the description as the site address and I concur with this approach.
3. An amended plan has been submitted with the appeal to remove the proposed gated access from Weir Street. However, as this has not been formally consulted upon, I discount this plan.
4. The Darlington Local Plan Submission Draft 2020 is an emerging document and I apply limited weight to its policies.

### Main Issues

5. The main issues are:
  - The effect of the proposal on the character and appearance of the area;
  - Whether or not the proposal would lead to highway safety issues; and
  - The effect on the living conditions of local occupants.

### Reasons

#### *Character and appearance*

6. Located close to Darlington town centre, the appeal site is located within a designated Employment Area. It is a large parcel of land partially gravelled over and void of buildings. Currently it is open to the front with Weir Street and

Garden Street. Perimeter fencing along two sides is proposed, the southern edge facing onto Garden Street and eastern edge facing onto Weir Street. Double vehicular gates are proposed to Weir Street.

7. The area is largely commercial in nature with businesses including small car garages, self-storage centre and vehicle hire centres. There are also residential dwellings along Weir Street at Skerne View and Skerne Studios within converted warehouse buildings opposite the site, and on Garden Street.
8. The proposed fencing would extend parallel with Weir Street directly along the boundary with the street and return along Garden Street. It would appear as a very industrial, stark and obtrusive feature, made more significant by its height at approximately 2.4m for the entire perimeter, with no relief from its continuous expanse.
9. Further, given the narrow width of Weir Street, it would also contribute to a sense of oppressiveness. In this open corner location, it would be clearly visible and prominent when viewed from the street scene. It would thus not represent good design and would be detrimental to the character and appearance of the area.
10. Palisade fencing and indeed other perimeter security fencing is not an uncharacteristic feature locally given its commercial context. There are examples of both a combination of brick walls with palisade or timber fencing above, located close by. In these instances, the ratio of metal/timber and brickwork has the effect of a less industrial appearance and thus improves its overall visual aesthetic.
11. There are a few examples of metal palisade fencing as a boundary treatment in its own entity. However, where viewed locally, these were at a much lower height than the proposal, or the expanse was limited in length when at a similar height to this. Other high security fencing I viewed was of a material that provided clear intervisibility and was of a sympathetic nature. No examples provided are located in as prominent a location or share precisely the same circumstances or characteristics as the proposal before me.
12. I appreciate its enclosure would prevent unauthorised parking and access onto the land, and could prevent fly tipping from occurring. The appellant explains that they have used preventative measures. However, no precise details of such have been presented with the appeal.
13. The appellant states that due to land levels, a lower fence would not provide sufficient security measures. However, that is not to say that other security fencing or security measures could not be explored by the appellant.
14. To conclude on this main issue, given the proposed expanse of boundary fence, height and location, it would be out of character with the local area. It would not meet the objectives of the Darlington Local Development Framework Core Strategy 2011 (CS) Policy CS2 in its aims to achieve high quality design.

#### *Highway safety*

15. The proposed security fence would be located along the boundary with Weir Street and the vehicular access gates would be positioned directly opposite warehousing, with no set back off the adopted highway. At the time of my visit, one unit directly opposite was in operation as a commercial enterprise,

although there is nothing before me to demonstrate that the other units are not in commercial occupation or frequently used. Furthermore, given the business context of the local area and residential properties along Weir Street, there is nothing before me to suggest that Weir Street would not experience a reasonable volume of passing traffic.

16. All things considered, I have concerns regarding the proposed positioning of the fence and access gates, the location of other buildings opposite and directly fronting onto the street, taken with its narrow width. The comings and goings of vehicles would lead to vehicular conflict, and conflict between vehicles and pedestrians would also be likely.
17. As a consequence of erecting the fence against the boundary of the adopted highway along Weir Street, its maintenance by the Council would be problematic. There is no evidence provided by the appellant of the position of the now demolished buildings and their relationship with Weir Street.
18. Therefore, to conclude on this matter, the proposal would lead to detriment to highway and pedestrian safety and would thus conflict with the CS Policy CS2 in its aims for development to create a safe and secure environment.

#### *Living Conditions*

19. Skerne View and Skerne Studios form part of the buildings to the opposite side of Weir Street from the appeal site. One large picture window of Skerne View would look directly onto the proposal. Weir Street is narrow in width and the outlook would be significantly reduced by virtue of the proposed high and continuous run of industrial fencing within close quarters. Even with the surrounding context of the commercial nature of the area, the occupant's living conditions would be harmed.
20. Furthermore, whilst there may have been industrial buildings previously located on the site, these have been demolished. There is no evidence presented of the outlook from residential properties to compare, and in any case, I have considered the proposal against the circumstances before me.
21. From Skerne Studios, there would be no direct overlooking onto the proposal as it would be at an oblique angle and therefore I do not consider the living conditions of the occupants would be unduly harmed as a consequence.
22. No evidence has been submitted by the appellant of fly tipping or incidents of unauthorised access by motorcyclist leading to safety or nuisance concerns to substantiate their claim that the proposal would lead to improved living conditions of local residents.
23. To conclude, the proposed height of the security fence and proximity to residential dwellings would detrimentally harm the living conditions of the occupiers of Skerne View. It would therefore conflict with the CS Policy CS16 only so far in its objectives for new development to protect general amenity.

#### **Other Matters**

24. Whilst theft has been cited as a reason to justify the proposal, there is no evidence presented relating to theft issues, for me to consider.

## **Conclusion**

25. The proposal would result in harm arising to the character and appearance of the local area, highway and pedestrian safety and the living conditions of local residents. It would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR