



Appeal Decision

Site visit made on 16 August 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2022

Appeal Ref: APP/N1350/D/22/3302172

51 Neville Road, Darlington, DL3 8HZ

- 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 Sharif Hunashi against the decision of Darlington Borough Council.
 - The application Ref 22/00437/FUL, dated 23 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the installation of garden fence around front and side of property (behind existing brick wall).
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a detached house situated on a corner plot at the junction where Neville Road joins Abbey Road. The house has frontages to both roads having a vehicular access serving garages and a parking area off Abbey Road, and a pedestrian access to the front door of the house from Neville Road. A low stone wall defines the boundary between the garden and those roads. Hedging runs behind the wall at around shoulder height on Neville Road and slightly lower along Abbey Road. There are several established trees in the garden close to the boundaries with both roads.
4. The proposal would involve the erection of a close boarded fence to a height of 1.9m in a position immediately behind the existing low boundary walls. The fence would return from Abbey Road towards the house alongside the driveway and parking area.
5. Tall fences are not a characteristic feature along Neville Road where short front gardens are bounded in the main by low walls interspersed with shrubs and hedges. The main exception to this pleasant, well-established, regular, and open nature that those boundary features give to Neville Road is the fence opposite the appeal property to which the appellant has drawn my attention. From my site visit I note that the appeal property has a clear and active association with Neville Road arising in part from the location of its front door and pedestrian access, and from its alignment with the consistent building line of houses on the west side of Neville Road. This differs from the arrangement

of that property opposite, which is set back significantly from the building line on the east side of Neville Road with its main entrance taken from Abbey Road.

6. In addition to the fence opposite, the appellant directs me to several other tall fences and hedges in the area. I note from their photographs, and from my site visit, that all the properties referred to front onto Abbey Road. I also recognise that the two other plots which sit at the junction of Neville Road and Abbey Road are bounded by trees and taller hedges than those typically found in Neville Road. However, overall, this serves to provide a much softer natural green edge to the public highway beyond their gardens compared to the solid boundary feature that would be created by the appeal proposal. Similar soft green boundaries are evident along Abbey Road on both sides for the remainder of its length westwards to the junction with the B6280 (Carmel Road North). This includes the adjacent property at 93 Abbey Road to which I am also directed by the appellant. These features give the approach to the appeal property from the west a distinctive appearance dominated by trees, shrubs and hedging.
7. The character of Abbey Road alters noticeably when travelling eastwards from the appeal property. Walls and fences provide tall and solid boundaries to the back edge of the highway. This creates a distinctly hard and enclosed feeling which differs noticeably from the soft, green and mostly lower boundary features characteristic of Neville Road and that western part of Abbey Road described above. The appellant contends that a mixture of boundary treatments in the area should weigh in favour of the proposal. However, those tall fences referred to by the appellant, that in isolation appear similar to the proposal, generally sit within different contexts in respect of their association with the adjoining public highway and the separating effects they create. The appellant also refers to the boundary fences at the junction of Elton Road and Abbey Road. These may be only a short distance from the appeal property, but they are associated with that changed characteristic of tall and hard boundaries running along that eastern section of Abbey Road.
8. The proposed fence would create a distinct change in the character of the area at and immediately around the appeal property due to its height and unbroken solid appearance for a considerable length wrapping around the gardens to this corner property. This change would cause harm to the distinctive character and appearance of the area and would conflict with Policy DC 1a. and DC 4 of the Darlington Local Plan (February 2022) which seek to prevent the visual dominance of development, to ensure that development reflects the local environment, and that development responds positively to local context.

Other Matters

9. The appellant refers to concerns about privacy with regard to their family circumstances, and that the proposed fence would offer greater privacy to the ground floor rooms of their home. I agree this would be a benefit but note that a good degree of screening already exists from the hedging and trees along the boundary with Neville Road. I note also that the garden fronting Abbey Road provides a reasonable separation from that road to the extent that it is difficult to see into the ground floor rooms.
10. I accept that the proposed fence could be of benefit in addressing concerns expressed by the appellant about security of their property. However, the natural surveillance provided by pedestrian and vehicular activity in the area,

particularly along Abbey Road suggests to me that a reasonable deterrent is present. I give limited weight to this benefit.

11. I recognise, as the appellant points out, that the development is not in a conservation area. However, this does not mean that the harmful effects of development are justified. The appellant draws my attention to permitted development rights that allow for lower means of enclosure and suggests that if such rights were exercised this could change the character and appearance of the area. The height of any means of enclosure allowed under permitted development rights is significantly lower than the proposal before me and this matter does not weigh in its favour. I must determine the appeal on the merits of the case and on the evidence before me.
12. The appellant indicates that the existing trees in their garden would be retained and would therefore still be partially visible. I consider this to be a neutral matter which would not mitigate the harm caused by the proposal and it does not weigh in its favour to any significant degree. None of the matters raised by the appellant outweigh the harm that would be caused by the development.

Conclusion

13. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR