



Appeal Decision

Site visit made on 22 November 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/N1350/D/22/3307350

43 Paton Way, Darlington, DL1 1LP

- 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 Claire Greenall against the decision of Darlington Borough Council.
 - The application Ref 22/00456/FUL, dated 15 August 2022, was refused by notice dated 9 September 2022.
 - The development proposed is 6ft fence around part of my garden which is currently open.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the application form in the banner heading above. It is described in the decision notice and the appeal form as erection of 1.8m fence to side and rear of property.
3. The appellant would be willing to amend the scheme to set the fence 2m from the footway, avoiding the service easement and telecoms cabinet and retaining the roadside landscape planting. Irrespective that this would be acceptable to Taylor Wimpey, and the neighbours have no objection, the appeal procedure does not provide the Council with the opportunity for further comment and the amended plans submitted with the appeal were not accepted. Consequently, I have determined the appeal on the basis of the plans that were considered by the Council.
4. The Procedural Guide: Planning appeals – England (December 2022) advises that the appeal process should not be used to evolve a scheme and if an applicant thinks that amending their proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal property is a modern 2 storey detached dwelling in a large plot on the corner of Paton Way and Weaving Lane. It is in a residential area comprising detached, semi-detached and terraced dwellings in similar designs

and materials including red brick and, as in the appeal property, painted render. While properties vary in their orientation and set back, one of the unifying features of the townscape is its openness with open frontages, rear and side garden enclosures set back from the street, and with pockets of formal landscaping in the form of trees and shrubs including to the rear of footways and in raised beds with low brick walls.

7. The appeal site comprises the dwelling, its enclosed rear garden, and the open land to the side which is bisected by a brick wall that extends from the rear of the dwelling towards Weaving Lane. The proposed fence would be along part of the western and northern boundary, enclosing the part of the side garden between the brick wall level with the rear building line of No 43 and the open boundary of the neighbouring property to the rear.
8. The tall brick walls to the south and east of the proposed fencing are part of the design of the housing estate and they harmonise with brick dwellings and walls elsewhere. While there are occasional timber gates and fences in the area, these are generally modest and unobtrusively sited away from the road. In contrast, by virtue of its prominent siting, its height and length, the proposal would be a dominant and visually obtrusive feature. It would be incongruous, poorly related and it would not be assimilated by the surrounding built environment. The significant enclosure in proximity to the footway, in a prominent and open corner location, would be out of keeping and it would diminish the spacious and open townscape character. It would not make a positive contribution to local distinctiveness or sense of place.
9. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies DC1a and DC4 of the Darlington Local Plan 2016-2036 Adopted February 2022. These require, among other things, that proposals respond positively to local context, sense of place and distinctive character and that it should be acceptable in terms of visual dominance and overbearing effects.

Conclusion

10. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
11. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR