



Appeal Decision

Site visit made on 10 January 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/N1350/D/22/3309810

12 Redworth Road, Darlington, Durham, DL3 0BL

- 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 Connor Gowling against the decision of Darlington Borough Council.
 - The application Ref 22/00716/FUL, dated 21 June 2022, was refused by notice dated 19 August 2022.
 - The development proposed is erection of a 2 metre fence on a side garden replacing an existing fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form contains some arguments in support of the proposal. These are not acts of development in themselves and I have therefore removed them from the banner heading above. Nevertheless, I have taken the points raised into account in my reasoning below.
3. I saw at my site visit that the fence has been constructed. However, I have determined the appeal on the basis of the submitted drawings.

Main Issue

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

Reasons

5. The appeal site is located on a corner plot fronting Redworth Road within a residential area. The grass verges and front gardens creates a spacious, open character which has a landscape quality, owing to the greenery of the front gardens and the grass verges. While boundary treatments vary in design, comprising hedging, brick walls and timber fences, the generally low height results in an overall conformity that contributes positively to the character and appearance of the area.
6. The height of the tallest section of the development is disputed. However, irrespective of the precise measurements, the development is noticeably taller than other boundary treatments in the area immediate to the site. The appellant indicates that the fence has been erected in the same position as a previous fence. Notwithstanding this, the height of the development in this

prominent corner plot location is a discordant addition that does not relate positively to the character and appearance of the area. Moreover, the presence of an alternative fence in the same location does not affect my findings.

7. I observed that the fence in its entirety has been stained dark brown. While this offers some visual continuity within the street scene, owing to the height and length in the tallest section the development is prominent, draws the eye and stands out as being incongruous. In addition, it creates a sense of enclosure in an area that is otherwise open in character.
8. A number of photos of other boundary treatments are before me, however these do not appear to be directly comparable as they are mostly not in corner locations. While the boundary treatment on the corner plot opposite the appeal site is taller than the generally low height boundary treatments in the area, the appeal development is taller still and solid in appearance, being constructed of vertical feather edge boards in its tallest section. Overall, these other examples are neutral matters in the determination of this appeal.
9. For the reasons given above, the development is harmful to the character and appearance of the area, in conflict with Policy DC1 of the Darlington Local Plan 2016-2036 (2022). This policy, amongst other things, requires good design, that reflects the local environment and responds positively to the local context.

Other Matters

10. The development has secured the safety and privacy of the appellant's family and property. In particular, it has been explained how children were unable to safely and confidently play in the outside spaces before the fence was erected. In refusing to permit the fence, such security measures may not be available, so there could be interference with the appellant's Human Rights as set out in Article 8 of the Human Rights Act 1998.
11. However, the operation and protection of public interests through the implementation of planning policy, is in accordance with the law and necessary in a democratic society. In this case, it has not been shown that the fence is the only option available to achieve the appellant's desired aims and it is indicated by the appellant that there are other, albeit smaller, private garden spaces at the property. Therefore, I conclude that the potential interference is proportionate in this case.
12. Children also share a protected characteristic covered by the Public Sector Equality Duty set out in the Equality Act 2010 and I have also had due regard to the three aims of that Act, including removing or minimising disadvantages that may be suffered by this group. However, for the same reasons, the weight that I attach to this matter is limited in this case and does not outweigh the harm that I have identified.
13. The Council have not found the proposal to be harmful to the living conditions of neighbouring occupiers and I have no reason to disagree. Even so, policy compliance on this matter is a neutral factor. While I acknowledge that the appellant has expressed frustrations with the planning application process, this has not affected my consideration of the planning merits of the case.

Conclusion

14. My above findings bring the development into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR