

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

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| APPLICATION REF. NO: | 24/00521/FUL |
| APPEAL REF. NO: | APP/N1350/D/24/3353901 |
| LOCATION: | 12 Manor Road, Hurworth, Darlington, DL2 2HJ |
| DESCRIPTION: | Replacement and relocation of the boundary fence and additional hardstanding to front of dwelling (Retrospective Application) (Re-submission) |
| APPLICANT: | Mr Andrew Verity |

ASSISTANT PLANNING OFFICER: ANN MCRAE

BRIEF SUMMARY:

1. The appeal follows refusal of planning permission for the replacement and relocation of a boundary fence to the side and rear of the property and for the creation of an additional area of hardstanding to the front of the property. The planning application was submitted following an enforcement enquiry and sought to regularise the unauthorised fence and sought permission for the laying of additional hardstanding.

KEY POINTS TO NOTE:

2. The appeal property is a semi-detached property in a residential area comprising a mix of single and two storey dwellings fronting onto Manor Road. It is situated on a prominent corner plot with a lawned garden and driveway to the front, garden to the side and rear, and a detached garage with driveway beyond the rear garden. The properties in the immediate area feature predominantly open plan frontage facing onto the highway, including lawned gardens and shrub planting, which help create a spacious and pleasant street scene within the estate.
3. The side and rear garden was previously enclosed by a timber fence of a lower height which was set in from the southern site boundary. The replacement fence is higher than the fence it replaced (approx. 2m in height) and comprises brown coloured steel panels designed to mimic close boarded fencing, with sections of shorter, cream coloured trellis design panels on top. The fence has been positioned at the edges of the site boundaries to enclose the side and rear garden.

REASON(S) FOR REFUSAL:

4. The planning application was refused on 31st July 2024 for the following reasons:

1. The fencing would create a visual barrier between the public domain and the amenity area surrounding the property. The style and materials of the fencing would also detract from the well-established open and distinctive green character of this area. The proposal would be detrimental to neighbouring amenity and would also have an impact on highway safety contrary to Policies DC1, DC4 and IN4.
2. The proposal would therefore not accord with Policies DC1, DC4 and IN4 of the Darlington Local Plan 2016 – 2036. In that the fencing and hardstanding does not positively respond to local context in terms of its scale, form, height and materials and would be prejudicial to highway safety given that it prevents sufficient safe intervisibility between the parking area and the public highway.
3. The proposed fence, by reason of its prominent siting and design, would have a harmful impact on, and would be detrimental to, the existing visual amenities and the open character of the area and would therefore be contrary to Policies DC1a and DC4 of the Darlington Local Plan 2016 – 2036.

APPEAL DISMISSED:

5. In dismissing the appeal, the Inspector considered that the height of the fence results in an imposing feature on this prominent corner plot and the position of the structure directly abutting the pavement reduces the sense of space. Furthermore, the metal construction is discordant in the locality where fences, including those on corner plots, are predominantly constructed in timber. The result is a development which is at odds with the prevailing character and appearance of the area, contrary to Local Plan Policy DC1. The Inspector did not consider however that the proposed hardstanding to the front of the property would result in significant detrimental impact to the character and appearance of the area.
6. The Inspector further agreed that the positioning of the fence would impact on visibility from the existing parking space adjacent to the garage at the rear of the appeal property, which would have an unacceptable impact on highway safety contrary to Local Plan Policies DC1 and IN4.
7. The Inspector did not consider however that the development had any harmful impacts on the living conditions of the occupants of neighbouring properties and found no conflict with Local Plan Policy DC4.