



Appeal Decision

Site visit made on 18 February 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/N1350/D/24/3353901

12 Manor Road, Hurworth Place, Darlington DL2 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Verity against the decision of Darlington Borough Council.
 - The application Ref is 24/00521/FUL.
 - The development proposed is described as “replacement and relocation of rear garden boundary fence. Additional hardstanding to front of dwelling. Fence moved out by 950mm to the south to encompass the perimeter grass strip outside of the fence line. The reason for this being that the strip of grass outside the fence line was being repeatedly used by dogs when being walked and the applicant was having to pick up dirt as a result. The narrow strip of grass was also difficult to maintain. Due to the difference in levels between garden and perimeter strip previously outside of the fence line, the new fence is 2.1m at the highest point from public footpath side (without including the ball finial post caps), however set at 1800mm from the garden lawn level inside the perimeter fence (without including the ball finial post caps)”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted at the site visit that a fence has already been constructed enclosing the rear and side garden area of the property. It is clear from the plans and evidence that this is the structure referenced in the planning application as having replaced a previous timber fence. The additional hardstanding to the front and side of the dwelling had not been laid as shown on the submitted plans. A car was parked on what appeared to be preparatory works in this area, with a sub-base material at a lower level to the adjacent existing drive.
3. The description of development in the banner heading above is taken from the application form. However, the proposal could be accurately summarised as a part retrospective application for the erection of a boundary fence and proposed additional hardstanding to the front and side of the dwelling, and I have dealt with the appeal on this basis.
4. The Council's decision notice refers to Policy INV4 of the Darlington Local Plan 2016-2036 (DLP) within the first reason for refusal. The decision notice then goes on to reference Policy IN4. The submitted evidence sets out that Policy IN4 of the DLP relates to matters of parking provision and therefore I am satisfied that reference to INV4 in the decision is an error.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - highway safety, with particular reference to visibility between the rear parking area and the public highway; and
 - the living conditions of neighbouring properties, with particular reference to outlook.

Reasons

Character and appearance

6. The appeal property is a semi-detached, two storey house located in a residential area with 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 on Manor Road and Woodlands Way feature predominantly open plan frontages facing onto the highway, including lawned gardens and shrub planting. This helps to create a spacious and pleasant street scene within the estate. Where boundary treatments are evident there are variations of mainly timber fences with some low walls. I noted other corner plots in this area with timber fences, the locations of which set back from the highway contribute to the prevailing spacious character. There are a mix of materials and colours used for hard surfaces within plot boundaries.
7. The fence that has been constructed is higher than the fence it replaced and comprises brown coloured steel panels designed to mimic close boarded fencing. There are sections of cream coloured trellis design to the top of the fence, which are an attempt to reduce its scale and perceived height. Its longest section has been constructed up to and along the rear of the pavement on Manor Road with two shorter sections returning into the appeal site.
8. The height of the fence makes it an imposing feature on this prominent corner plot and the position of the structure directly abutting the pavement reduces the sense of space. Furthermore, notwithstanding its brown coloration, the metal construction is discordant in a 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.
9. The appellant has drawn my attention to other fences, and I viewed these on my visit. The fence at 17 Bryan Close is a considerable distance from the site, and whilst it is a similar design to the appeal proposal and appears to use steel in a different colour, it is not typical of either area. The two properties closer to the appeal site have timber fences, which is a more appropriate material in the context of the character and appearance of the wider area. I do not know the circumstances under which all of these were constructed or their status regarding planning permission. However, I have been provided with a copy of the appeal decision referred to in the appellant's statement for 2 Fox Close¹, which is for a lower fence of timber construction in a different location. I cannot draw any direct

¹ Appeal Ref APP/N1350/D/23/3328781, dated 04 December 2023

comparison with the development that would weigh in its favour. The presence of the examples provided by the appellant does not justify the harm that I have otherwise found with the fence at the appeal site.

10. The work to create the additional hardstanding has resulted in the loss of a lawned garden area, although the land would not be enclosed and would broadly retain its open character. This results in some harm to the character and appearance of the area. However, due to the variations in hard surfaces to other plot frontages and the modest size of the proposal, I do not consider that there would be a significant detrimental impact to the character and appearance of the area from this element of the development.
11. For the reasons set out above, I conclude that the fence that has been erected is materially harmful to the character and appearance of the area. This conflicts with Policy DC1 of the DLP, which amongst other things seeks to create attractive places and ensure that development responds positively to the local context.

Highway safety

12. The fence has been erected closer to the footpath on Manor Road than the previous structure. This impacts on the visibility from the existing parking space adjacent to the garage at the rear of the appeal property. This access is directly onto Manor Road, which serves a considerable number of dwellings across other parts of the wider estate. I have been provided with a plan which indicates a visibility splay in relation to the previous fence line. However, the proposed plans do not show a visibility splay for the replacement fence.
13. The previous fence would also have impacted on visibility from the parking space, although not to the same extent as the current situation. The corner plot location of the site with a bend in the road could assist in reducing traffic speeds to some degree, whilst users of the estate road and pedestrians may be more familiar with the layout. However, not all road users will have the same level of familiarity and thus the loss of visibility arising from the erection of the fence constitutes an unacceptable highway safety risk.
14. Other examples of fences close to parking areas that I have been directed to are not directly comparable to the appeal proposals. In those cases, the driveways provide access to sections of road and cul-de-sacs serving fewer properties and where the risk of conflict between road users and pedestrians is likely to be more limited. Therefore, I cannot draw any direct comparison with the development that would weigh in its favour in this respect.
15. I conclude that the development has an unacceptable impact on highway safety. This conflicts with Policies DC1 and IN4 of the DLP, which require that proposals provide suitable and safe vehicular access and suitable parking arrangements.

Living conditions

16. The Council refers to an adverse impact from the development on the outlook from neighbouring residential properties. Whilst the development can be seen from properties, due to its separation from these I do not find that the development has any harmful impacts on the outlook of these occupants.
17. Notwithstanding the harm to the character and appearance of the area from the fence, I conclude that the overall development is not harmful to the living

conditions of the occupants of neighbouring properties. Therefore, the development does not conflict with Policy DC4 of the DLP in this respect, which requires new development to be sited and designed to protect the amenity of existing users of neighbouring land and buildings.

Other Matters

18. I have taken account of the appellant's reasons for erecting the fence, which I am told was to improve privacy, ease maintenance and address problems with dog fouling on the verge. However, it has not been adequately demonstrated that this development is the only way to achieve those objectives. In any event, the reasons provided for erecting the fence do not justify the harm I have identified or alter my conclusions on the main issues.
19. Whilst I have noted the representations of support from neighbours, these are not sufficient to persuade me that the development is acceptable.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR