

DARLINGTON BOROUGH COUNCIL
APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	25/00416/FUL
APPEAL REF. NO:	APP/N1350/D/25/3368788
LOCATION:	37 John Fowler Way, Darlington
DESCRIPTION:	Erection of 1.8m high timber fence to rear boundary (retrospective) and proposed 1.8m timber fence to side boundary
APPLICANT:	Mr Michael Dearnley

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY:

1. This appeal follows the refusal of planning permission for the erection of a retrospective and proposed boundary treatment as described above. In summary, the application was considered and refused owing to the impacts upon the character of the area.

REASON(S) FOR REFUSAL:

2. In the opinion of the Local Planning Authority, the proposed fences form an obtrusive and incongruous feature within the street scene and reduces the visual openness and verdant character of the surrounding area and given its location, it is out of keeping with the surrounding boundary treatments, to the detriment of the character and appearance of the street scene, contrary to Local Plan Policy DC1 and paragraph 135 of the National Planning Policy Framework.

KEY POINTS TO NOTE:

3. The Inspector issued a split decision, and the appeal was part allowed and part dismissed. The rear (retrospective) boundary treatment has been allowed, and the proposed side boundary treatment has been dismissed.

APPEAL PART ALLOWED / PART DISMISSED:

4. In summary, the rear boundary treatment was not considered to adversely impact upon the character of the area which is why this part of the application was allowed. The inspector considered the character of the street scene to have similar fences abutting the rear and the street was not heavily trafficked. On balance, they considered this rear fence to be read in context with other neighbouring boundary treatments.

5. In summary, the proposed side fence was refused owing to an impact upon character. It was considered a more prominent position, and the proposed boundary treatment would be rectangular in form as opposed to a curved feature as is the case with the rear boundary treatment. The proposed side boundary was considered to jut out and would result in a 'clumsy' arrangement when viewed with the existing boundary and rest of the street scene.
6. Neighbour objections raised concerns about highway safety. This was noted but the inspector did not observe any highway safety issues as part of their site visit and they had no reason to doubt the no objections raised by the Council's Highway Engineer.