



Appeal Decision

Site visit made on 10 August 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/H4505/D/21/3277492

28 Whitehill, Leam Lane Estate Felling NE10 8NQ

- 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 Ian Williams against the decision of Gateshead Council.
 - The application Ref DC/21/00457/HHA, dated 4 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is To erect a wooden boundary fence on top of the existing brick boundary wall. The purpose of the boundary fence is to provide privacy in my garden which is the main garden area of my property which is a corner plot and overlooked by all other residents of the access road and Cul-de-sac in Whitehill. It is to provide added security to my home as access can easily be gained to my garden, back door and rear of my premises. It will also provided (*sic*) safety for my child, partner and family pet as access to the surrounding roads is easily obtained due to the current low boundary wall. It will also provide safety for any further children I may have.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.

Main Issues

3. The main issues of the proposal are its effect on:
 - The character and appearance of the street scene; and
 - Highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal property occupies a corner position within a cul-de-sac of other similar house types. The appeal site has a broader frontage than the others within the immediate street scene due to the side garden.
5. Low brick boundary walls are a unifying feature of the area with a broad combination of infill timber fences or hedges. Whilst there is no one consistent height seen locally, given the majority of the proposed enclosure at a height of approximately 1m 83cm, would appear uncharacteristically tall and visually exposed in this location with no relief from the solid mass of timber

- construction. Its obtrusiveness would be further pronounced due to its prominent position on a corner.
6. It would not be a sympathetic addition to the street scene and would detrimentally harm the character and appearance of the local area.
 7. I appreciate the intentions of the appellant to secure the site and to make it as safe and private as possible for their family and pets, however, that is not to say that this could not be achieved by other means.
 8. Therefore, to conclude, the proposal would harm the character and appearance of the street scene contrary to Policies CS14 and CS15 of the Core Strategy and Urban Core Plan (CSAUCP) and Policy MSGP24 of Making Spaces for Growing Places 2021, and the Householder Alterations and Extensions Supplementary Planning Document in their combined design aims. In addition, the proposal would conflict with the Framework in its objectives to achieve well-designed places.

Pedestrian and highway safety

9. There is an existing vehicular gate adjacent to Number 29 Whitehill with hardstanding within the curtilage of the site. There is no internal space illustrated to turn a car around within the site, and therefore drivers would be likely to reverse onto the road.
10. Even if drivers were to exit the site in a forward gear, the height of the fence here would severely impair driver visibility. As there is a footpath outside the appeal site, this encourages pedestrians to use the footway. They would be at risk of reduced visibility as a consequence its height. It is not a through road, and any double parking that might occur within the cul-de-sac may consequentially reduce speeds, nevertheless, I find conflict would occur between vehicles and pedestrians.
11. To conclude on this main issue, the proposal would lead to a detrimental impact upon highway and pedestrian safety as a result of reduced driver and pedestrian visibility, contrary to the CSAUCP 2015 Policy CS13 and Making Spaces for Growing Places 2021 policy MSGP15 and the Householder Alterations and Extensions Supplementary Planning Document in their combined highway safety aims. Finally, the proposal would conflict with the Framework in its aims to minimise conflict between pedestrians and vehicles.

Other Matters

12. Any complaints raised regarding the Council's service should be referred to them in the first instance and is not within my scope to comment.

Conclusion

13. As I have found the proposal to negatively impact upon the character and appearance of the street scene and lead to highway and pedestrian safety concerns, this is in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR