



Appeal Decision

Site visit made on 22 August 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/H4505/W/23/3324915

12 Long Bank, Eighton Banks, Gateshead NE9 7HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Adam King against Gateshead Council.
 - The application Ref DC/23/00331/HHA, is dated 14 April 2023.
 - The development proposed is removal and replacement of an existing rear garden boundary 15 metre long, 1.5 metre high timber fence with an incorporated double gate and posts. To be replaced with a 15 metre long timber fence, at 1.8 metre high, with an incorporated single gate and posts.
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Decision

1. The appeal is allowed and planning permission is granted for removal and replacement of an existing rear garden boundary 15 metre long, 1.5 metre high timber fence with an incorporated double gate and posts, to be replaced with a 15 metre long timber fence, at 1.8 metre high, with an incorporated single gate and posts, at 12 Long Bank, Eighton Banks, Gateshead NE9 7HE, in accordance with the terms of the application Ref DC/23/00331/HHA, dated 14 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; OA-00-XX-010 Rev A.

Procedural Matters

2. The appeal was submitted on the basis that the planning application was not determined by the Council within the prescribed period. Although the application was initially validated by the Council, the proposal is retrospective and the Council has subsequently queried its validity due to alleged encroachment of the fence beyond the property boundary.
3. I note that the planning application was submitted on the householder application forms and the requisite fee was paid. It was accompanied by a site plan which showed the application site edged in red, together with drawings showing the position and appearance of the proposed fence, and a signed declaration stating that the land to which the application related was within the applicant's ownership. An annotation on the proposed site plan further states that the replacement fence would follow the boundary line.
4. However, having carefully reviewed all of the evidence and visited the site, I cannot be certain that the position of the fence is consistent with the submitted plans. Consequently, I have proceeded to determine the appeal on the basis of

the submitted plans. This means that the proposal before me is explicitly for a replacement fence of 1.8 metres height, in the same position as the previous fence. I am satisfied that a valid application has been made in this respect. Any non-compliance with the submitted plans would be a matter for the Council in the first instance.

Main Issue

5. On the evidence before me and based on my site visit, I consider that the main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is an end-of-terrace property located on Long Bank. A private access road runs down the side and rear, serving both the terraced block and other adjacent properties. The majority of front boundary treatments on Long Bank comprise low walls and hedges, but many side and rear boundaries are typically formed by timber fencing of around 1.6-1.8 metres in height.
7. The proposal relates to the replacement of a section of garden fence adjacent to the access road. While a neighbour has suggested that this boundary was originally a stone wall, evidence before me indicates that a timber fence has been present along this boundary for many years, possibly since 2006.
8. The replacement fence would be taller, but not significantly so. Its height and appearance would be in keeping with other garden fencing found in the area, including similar fencing on the eastern side of the access road. Consequently, even though the fence would be visible from Long Bank and neighbouring properties, it would not be a visually intrusive or dominant feature. Furthermore, as the proposal before me would be constructed in the same position as the previous fence, it would not materially affect the use of the access road. A small pedestrian gate would be incorporated into the fence, but the plans clearly show that this would open into the garden. Overall, the effect on the surrounding area would be minimal.
9. I therefore conclude that the development would not harm the character and appearance of the surrounding area. Thus, the proposal complies with Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (the CS), and Policy MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD), which together seek high quality design that is compatible with local character and distinctiveness. For completeness, I also find no conflict with the highways and residential amenity requirements of CS Policies CS13 and CS14, as well as LPD Policies MSGP15 and MSGP17.

Conditions and Conclusion

10. The standard commencement and approved plans conditions are imposed for certainty. Subject to these conditions, and for the reasons given, I conclude that the appeal should succeed and planning permission should be granted.

A Caines

INSPECTOR