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## Appeal Decision

Site visit made on 9 July 2018

by **Peter D Biggers BSC Hons MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2018

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**Appeal Ref: APP/W0734/D/18/3202357**

**109 Cambridge Road, Linthorpe, Middlesbrough TS5 5HF.**

- 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 Mrs Jennifer Patterson against the decision of Middlesbrough Borough Council.
  - The application Ref 17/0870/FUL, dated 3 November 2017, was refused by notice dated 5 February 2018.
  - The development proposed is building of a six feet high (1.8m) fence at the front of the house between number 109 Cambridge Road and 111 Cambridge Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council in the appeal questionnaire has requested a 'condition' to set a time frame for removal of the fence, which is already in situ, in the event that the appeal is dismissed. However, this is not open to me. It is for the Council to commence enforcement proceedings on receipt of my decision if the appellant does not voluntarily remove the fence and at that point set a timescale for its removal.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the host dwelling, and the surroundings of Cambridge Road and the Linthorpe Conservation Area.

### Reasons

4. Cambridge Road lies within the Linthorpe Conservation Area and, in the vicinity of the appeal site, is characterised by substantial, semi-detached 2 storeyed villas from the early 20<sup>th</sup> century with fine detailing to the front elevations and, in particular, attractive repeating bay windows. The properties are set back from the road behind front gardens which in this part of Cambridge Road are more open than the eastern end of the road. Where boundaries are marked this is done typically either by hedges, low walls or metal railings. There are no other examples of close boarded high fences on the frontage as now installed at No 109 in the vicinity of the appeal site.
5. I have been referred to other fenced boundaries on the frontage of properties elsewhere on Cambridge Road which the appellant considers justifies the fence in this case. Whilst I acknowledge that there are some other boundary fences there are differences between these and the context at No 109. The character of the

frontage in the vicinity of No 109 as stated above is an open one by comparison to what is generally the case in the other properties I have been referred to. The properties further east on Cambridge Road are for example more enclosed by mature trees, shrubs and hedges. The examples are also generally, although not all, lower fences often open to the top and often screened with mature planting. As such I am not persuaded that the circumstances in the cases I have been referred to would justify the proposal at No 109 and I have determined the proposal on its own merits.

6. The fence which has been installed between Nos 109 and 111, by virtue of its height, design and materials, is completely alien to this particular part of the Conservation Area and highly prominent in the approach from both directions along Cambridge Road. Typically the boundary treatments in this part of the road, where they are present, are either lower or not solid or both. Indeed the original boundary marker between the two properties took this form and was a low metal railing. One of the characteristics of the Conservation Area at this point is the ability to view the fine frontages to the properties along the road. The fence by virtue of its height and solid appearance now prevents this and appears out of keeping with the street scene of Cambridge Road
7. It has been put to me that the appellant, if allowed to retain the fence, proposes to stain it a dark oak colour and whilst she indicates she would consider lowering the fence towards the pavement and roadside end she wishes to retain its height over the majority of the distance between the house and the road. This being the case the fence, whether stained a dark colour or not, would remain highly obtrusive in the street scene. I have considered whether allowing the fence with a condition requiring it to be lowered to 1 metre and landscaped would be appropriate but as this would not meet the appellant's stated objectives it would be inappropriate to do so.
8. The proposed fence would be an unsympathetic and very prominent alteration harming the significance of the Linthorpe Conservation Area and would fail to preserve its character. Therefore the proposal would be contrary to Paragraph 131 and 132 in the *National Planning Policy Framework* (the Framework) and policy CS5 of the *Middlesbrough LDF Core Strategy* (MCS) which seeks to ensure that development contributes to achieving the preservation or enhancement of the character or appearance of conservation areas.
9. Even if I was to accept that the harm to the significance of the heritage asset would be less than substantial, thereby triggering Paragraph 134 of the Framework which requires that the harm is weighed against any public benefit, no public benefit has been put forward by the appellant. There is therefore nothing to outweigh the harm to the significance of the Conservation Area from the proposal.
10. In addition to the specific statutory test regarding the Conservation Area, the fence would conflict with the policy objectives of MCS Policy DC1 that amongst other things requires the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials to be to a high standard. The proposal fails to achieve this.

#### *Other Matters*

11. I acknowledge that the appellant has erected the fence to provide greater security and privacy and separation from the neighbouring garden at No 111. However in respect of security, the fence does not provide any enhanced security as the garden to No 109 remains open to the road separated only by a low wall. In respect of screening and privacy between the two properties, from my observation

of the garden at No 111 it was not detrimental to the visual amenity of the area and in any event the same screening effect of the fence in time could be achieved by a hedge or shrub planting which would be more in keeping with the character of the conservation area. Indeed the eastern boundary to No 109 is marked in this way with a hedge. I am therefore not persuaded that the reasons stated for the erection of the fence outweigh the significant adverse impact it has on the character and appearance of Cambridge Road and this part of the Conservation Area.

**Conclusion**

12. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR