



Appeal Decision

Site visit made on 8 January 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2018

Appeal Ref: APP/J4525/W/17/3186103

1 Milcombe Close, Moorside, Tyne & Wear SR3 2QJ

- 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 William Hixon against the decision of Sunderland City Council.
 - The application Ref 17/00306/FUL, dated 26 November 2016, was refused by notice dated 7 April 2017.
 - The development proposed is the erection of new 1.8m high timber fencing to increase size of rear/side garden. Change of use of land to rear/side of property from amenity grassed space to private garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the initial application form refers to the address of the appeal site as being '1 Millcombe Close, Moorside, Tyne & Wear SR3 2QJ' I have, in the interests of consistency, adopted the spelling of 'Milcombe Close' as set out in all subsequent documents submitted by both the appellant and the Council.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a strip of grassed amenity open space located to the side of 1 Milcombe Close. The surrounding area is predominantly residential, characterised by terraced rows of dwellings fronting onto modestly sized, and generally open, front gardens. These create a generally open plan character to the estate that is maintained by areas of grassed amenity open space at key points throughout the estate, such as where streets and culs-de-sac intersect with each other.
5. Areas such as the appeal site provide a soft visual buffer between the pavement and the flank elevations of houses and generally maintain and carry over the sense of openness, established by the treatment of front gardens, to areas where dwellings have roads running to their sides. As such, they provide a useful counterbalance to the sometimes enclosed paths that run behind and between dwellings elsewhere as well as being integral and consistently important features in their contribution to the overall character and appearance of the area.

6. The site itself lies adjacent to the blank single storey flank elevation of a garage attached to 1 Milcombe Close. It is a level area of grassed open amenity space on the inside of the junction from Milcombe Close into Maidstone Close. It extends the entire depth of the residential plot at No. 1, bounded by the pavement and entrance to Maidstone Close at the side, and by the adjoining open plan lawned frontage of 9 Maidstone Close to the rear.
7. From my visit to the site and from walking around the neighbouring streets, squares and footpath links, I saw that such areas of amenity open space are common within the wider residential estate. Together, they provide a pleasingly open and spacious counter-balance to the enclosed nature of some of the footpath links behind and between dwellings and allow the open plan character of frontages to turn the corner into adjacent culs-de-sac.
8. The proposed fence would enclose the area of amenity open space at the side of No. 1 and introduce a hard, jarring edge to the turn from Milcombe Close into Maidstone Close. The fence line would extend sideways, towards the pavement, from the attached garage's front elevation, extending up to the back edge of the pavement.
9. However, due to the nature, layout and positioning of the appeal site relative to No. 1, No. 9 and 1 – 8 Matfen Close the site has a prominent position within the streetscene. Given the prominence of the site, the siting, height and length of the proposed fence would be seen as an incongruously strident feature at odds with the character, appearance and context in which it would lie. I saw this to be particularly so on approach from the north, but also from within Maidstone Close, where it would materially alter the character and appearance of the entrance into that particular cul-de-sac square.
10. Furthermore, the proposal would also result in an awkward and uncomfortable juxtaposition with the open frontages of 8 and 9 Maidstone Close immediately to the east of the site. I acknowledge that the opposing property at 8 Matfen Drive has a substantial rear boundary treatment that runs around the side and rear boundaries of that property, turning the corner into the square of Maidstone Close. However, I am satisfied that the particular circumstances of No. 8's siting, layout and position within the streetscene is materially different to that of the appeal site and so does not provide a direct comparison.
11. The proposed timber fence and enclosure of this area of grassed amenity open space would therefore compromise the distinctive open-plan nature of large parts of the surrounding area. It would also erode the spacious, open feel of the fronts of properties in a broad swathe across Maidstone Close and Milcombe Close, resulting in an abrupt and awkward juxtaposition with their open plan front gardens, particularly with regard to Maidstone Close. The height, length and position of the proposed fence relative to other properties on Matfen Drive, Milcombe Close and Maidstone Close, on the inside of an open corner and relative to the pavement on the inside of the junction would result in a strident and incongruous feature that would be harmful to the overall character and appearance of the surrounding area.
12. Thus, I conclude that the proposal would fail to respect or enhance the best qualities of the locality and, in enclosing an area of amenity open space in such a position, would undermine a key characteristic of the surrounding area. It would therefore be contrary to policies B2 and B3 of the City of Sunderland

Adopted Unitary Development Plan and the National Planning Policy Framework (the Framework), insofar as they seek to promote high quality design.

13. The appellant has referred to similar applications being granted in the surrounding area but I have not been provided with further details of these cases. In any event, this would not justify the harm that I have identified above which would arise from the proposed development, and which I must consider on its own merits.
14. I do not doubt the appellant's desire to ensure workmanship of the highest standards, nor have I been given any reason to doubt the appellant's concerns about the integrity of the existing boundary fence. However, neither these factors nor the lack of objection to the proposal overcome the harm that I have identified above.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR