



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

#### **Appeal against refusal of planning permission for the change of use of public open space to domestic curtilage at 41 Carrowmore Road, Parkfields, Chester-le-Street (DM/18/02961/FPA).**

Planning permission was refused by the Northern Area Planning Committee on 21<sup>st</sup> December 2018 on the following grounds:

*The proposed change of use of land to domestic garden and its enclosure would have an unacceptable effect upon an important landscape feature which by virtue of its open nature and appearance significantly contributes to the character and visual amenity of the area contrary to Part (i) of Policy HP16 of the Chester-le-Street District Local Plan.*

The appeal was dealt with by way of written representations and an unaccompanied site visit.

The Inspector considered the main issue to be the impact on the amenity value of the area. It was noted that the site contributes to the openness and greenery of the area offering benefits to both visual and physical amenity. The Inspector felt that creating a private garden on this part of the overall area of open land would reduce the area physically available for public use reducing its function for those who use it reducing overall residential amenity.

It was noted by the Inspector that reducing public access to this area would be likely to reduce the anti-social behaviour reported by the appellant. Reducing anti-social behaviour is a public benefit to be considered alongside the more direct benefit to the appellant. The Inspector noted that the potential reduction in anti-social behaviour weighs in favour of the proposal. The benefit of a larger garden to the appellant was only given very limited weight.

The Inspector had concerns regarding boundary enclosures and the potential future appearance of the land.

The potential reduction in anti-social behaviour was concluded to be a private benefit as well as a positive public benefit to which the Inspector attributed considerable weight. However, the harm from the reduction in public access to this area was felt to outweigh this benefit. The short term harm to the character of the area was also found to weigh against the proposal. The Inspector was concerned that in the long term the proposal may result in additional harm if the hedge and garden were not adequately maintained. Reducing the size of the open area was not considered to be a positive step and the Inspector did not feel that the proposal adequately takes into account the residential amenity and character of the area and as a result it would be at odds with policy HP16.

The appeal was dismissed.

Report prepared by Fiona Clarke (Principal Planning Officer)