

Planning Services

COMMITTEE REPORT

APPEAL UPDATE

APPEAL REF. NO: APP/X1355/A/10/213614/WF

LPA REF. NO: 3/2010/0168

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF OPEN SPACE LAND TO DOMESTIC CURTILAGE AND ERECTION OF FENCE

1. This application relates to the refusal of planning permission for the change of use of open space land to domestic curtilage and erection of fence at 3 Gibbon Street, Bishop Auckland. Planning permission was refused at committee on 5th December 2008 for the following reason:

The proposed change of use of the land to garden, by reason of its width and enclosure by a 1.8m high fence, would result in an unacceptable loss of amenity and affect on the living conditions of neighbours by failing to make adequate provision for access by the elderly and disabled neighbours to the rear of their properties, and would increase the fear of crime for those neighbours by reason of the narrow width of the remaining access path. The proposal is therefore contrary to policy GD1 (v) (vi) (x).

- 1.1 The planning inspector has dismissed the appeal.
- 1.2 The inspector stated that the area of land adjacent to No.3 also provides access to the rear of other properties on Gibbon Street and Edward Street. The fence has been erected in a position that leaves a way through for these occupiers. However, the width of the passage is too narrow for easy use. This is especially so given that some occupiers affected need access for mobility scooters and have no alternative routes because their front entrances are approached up steps. Moreover, the tight nature of the access would make any user uncomfortable, especially at night. Taking these points together, the restriction of the access has had a harmful impact on the living conditions of nearby occupiers.
- 1.3 Policy GD1 of the Wear Valley District Local Plan seeks to ensure that, amongst other things, development provides adequate access, would not conflict with adjoining uses and has regard to issues around crime and personal safety. The development does not comply with these requirements.
- 1.4 The area to the side of No. 3 has been subject to fly-tipping, and it seems that people use it as a short cut and as an area to congregate. In that context, I can understand why the appellant would wish to improve security and I see no difficulty, in principle, with enclosing an area adjacent to No. 3 to achieve that. However, that does not justify the harmful impact of the fence as installed,

because there seems to be no good reason why a fence could not be erected that allowed nearby occupiers a less constricted means of access.

1.5 No applications were made for costs.

Report prepared by Sinead Turnbull, Planning Officer

RECOMMENDATION

That the decision be noted.