

Appeal Decision

Site visit made on 6 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 29th September 2016

Appeal Ref: APP/W4515/W/16/3146326

16 Caesar Way, Wallsend NE28 7JJ

- 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 Stephen Forster against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 15/01841/FULH, dated 10 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is a detached summer house.
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Decision

1. The appeal is allowed and planning permission is granted for a detached summer house at 16 Caesar Way, Wallsend NE28 7JJ in accordance with the application Ref 15/01841/FULH, dated 10 November 2015 subject to the condition below:-
 - 1) The existing hedge adjacent to the highway shall be retained for the life of the development. Within three months of the hedge, or any replacement hedge, dying, being removed or becoming seriously damaged or diseased, a scheme showing details of a replacement hedge or boundary treatment shall be submitted for the written approval of the local planning authority. The approved details shall be implemented in accordance with an agreed timescale and thereafter retained for the life of the development.

Procedural Matter

2. The development has already been carried out.

Main Issue

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

Reasons

4. The appeal site is within part of a residential estate characterised by two and three storey dwellings and apartments. The development is in a prominent corner location visible from further along Caesar Way to the west and from greater distance on the wider road network.
 5. However the summer house building, whilst relatively large, is subordinate in scale to the main dwelling and has been placed in line with the front elevation
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- of the house reducing its prominence when seen from the front. It would not encroach into the open plan design of the front garden.
6. The building does project quite markedly to the side almost meeting the fenced boundary of the property with the highway. However further to the west along this side of the street the position of dwellings, presence of porches and curve of the road add to the staggered form of the building line. The development does not therefore interrupt any strong sense of uniformity in the street scene.
 7. The Council has stated that the fence to the side which encloses the building is not in its original position and although it was previously the subject of enforcement related enquiries it resolved not to take formal action against the position of the fence. Whilst the Council argues that this should not be used to make further unauthorised development acceptable, it has nevertheless accepted the fence in that location and in practice if the building were removed the fence would continue to form a prominent projection in relation to the adjacent dwellings. This therefore carries weight in favour of granting permission.
 8. The appeal building has been constructed in materials typical of a garden outbuilding and has been painted dark brown in colour and partially screened by boundary hedge planting. These factors, together with its single storey height, help to mitigate the visual impact of the development ensuring that it would not appear obtrusive.
 9. In addition, when viewed from further to the west along Caesar Way the building is seen within the context of the tall apartment block behind, comprising Nos 1-19 Caesar Way. This taller building visually absorbs and tends to draw the eye away from the structure subject to appeal.
 10. I conclude that the proposal would not result in harm to the character and appearance of the street scene and accordingly would be in keeping with Policies H11 of the North Tyneside Unitary Development Plan 2002 and the Council's Supplementary Planning Document entitled Design Quality which seek to promote good design.

Condition

11. A condition requiring the retention of boundary hedge planting is required to protect the character and appearance of the area. I do not concur with the Council in that the condition is relevant to planning as the hedge helps to screen the development. Moreover, given its prominence in the public realm, future enforcement if required would not be difficult and, given its limited scale, such a condition would not place an unreasonable burden on current or future owners of the property.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Roy Merrett

INSPECTOR